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A HISTORY
OF THE
MENTAL GROWTH OF MANKIND
IN
ANCIENT TIMES

BY
JOHN S. HITTELL

VOLUME IV.
ROME AND EARLY CHRISTIANITY



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A HISTORY OF MANKIND.

Pagan Rome and Early Christianity.

CHAPTER XXVIII.

LEGENDARY ROME.

SECTION 421. *Rome in Culture.*—Of all nations, ancient Rome fills the most prominent place in the history of culture. To her belongs the exclusive credit of having held sway over all the countries that, in her time, deserved to be called civilized. In the combination of extent with duration, her empire has been unequalled. She conceived, formulated, and practically applied the greatest of all codes of civil law, and established its authority over the most progressive portions of the three continents in the Old World. She made her tongue the common speech of western Europe, of northern Africa, and of medieval, and until recently, of modern scholarship; and by her influence, it became the mother of the languages of France, Belgium, Spain, Portugal, Roumania, and Wallachia, as well as of Italy. She preserved Greek literature. She created a valuable literature of her own, which, next to that of Hellas, until the last century, was

the most valuable of all national literatures. She connects the Europe of antiquity with that of our own day.

She inherited and completed the task of Alexander the Great, in giving political unity to the regions bordering on the Mediterranean. She established peace and uniform government under one official language from the Euphrates to the Atlantic. She substituted civilization and Latin for barbarous customs and tongues in extensive regions of western Europe. She converted the heterogeneous and hostile Sabines, Volscians, Hernicans, Samnites, Umbrians, Etruscans, Campanians, Italians, Greeks, Ligurians, Gauls, Iberians, Illyrians, and Dacians into a homogeneous and harmonious people. She absorbed, assimilated, and consolidated many nations, far more than any other state ever did. Besides civilizing extensive regions previously barbarous, she gave to the whole civilized world one nationality, one system of municipal institutions, and one religion. Great as is Athens in the history of the human mind, ancient Rome is still greater in many respects. In her laws, her affiliated tongues, and her daughter nations, she continues to reign over much of the most enlightened portion of the globe.

It was mainly by the aid of her polity, including her military system, that she acquired vast power and influence. In this department of culture she showed much originality and surpassed every other state of antiquity. In this she became eminent while she was still crude in literature, in ornamental art, and in religion. By this she was enabled to conquer, to hold, to govern, and to unite a hundred other nations into one harmonious empire. In her successive struggles for life with Etruria, Samnium, Epirus, Carthage, Macedonia, and Gaul, the

most formidable states with which she came in conflict, her superior polity was the main cause of her ultimate triumph.

Of all national military careers, that of ancient Rome is the most brilliant. She made more campaigns, fought more battles, won more victories, slew and enslaved more enemies, and conquered, annexed, and permanently held more countries than did any other state. In military power, as compared with coeval nations, no other has approached her. Her drill was not so thorough as that of Sparta, but her army was much larger, her sphere of operations far more extensive, her high military efficiency of much longer duration, and her political basis much more solid. Among ancient monarchies, the only one that rivaled Rome in area and population was Persia, which was loose and heterogeneous in its political and military organizations, and short in its life as an extensive empire. In successful assimilation of conquered regions, and in the introduction of a higher culture into subject states, the most notable rival of ancient Rome has been the Quichuan empire. The modern nation which, by the wide dominion of her tongue, her arms, her original system of law, the magnitude of her homogeneous colonies, and the multitude of her heterogeneous subject provinces, most frequently suggests comparison with ancient Rome, is England; and the comparison is creditable to both nations.

SEC. 422. *Site*.—The Italian peninsula is about five hundred miles long and one hundred wide, divided into eastern and western slopes by the Apennines, which extend through its whole length, and, with their spurs, occupy half its width, rising along their summits to an average height of about four thousand feet. This penin-

sula, besides covering a greater area, is richer in agricultural resources than Greece, having a larger proportion of valley land, and more fertility in its tillable districts. The two countries, however, are near together and similar in situation, climate, and productions. In both the olive is a characteristic fruit.

When civilization had its origin in Greece, Italy was unfavorably situated for commerce and culture. It was remote from Asia Minor, Babylonia, Phœnicia, and Egypt, where industry was most skillful and traffic most active. But when the Roman republic was founded, about 500 B. C., the shores of Sicily, Sardinia, Spain, southern France, and northern Africa were occupied by Phœnician and Greek colonies; Carthaginian and Etruscan merchants traded regularly with the British Isles and the shores of the Baltic; the silver of Spain and the tin of Cornwall were mined extensively; and Italy was in the geographical center of the maritime commerce of the time.

Since then it has lost that position. The intervening centuries have made vast changes in the industrial world. The nations now most eminent for refinement, for wealth, for manufactures, and for shipping are in the basin, not of the Mediterranean, but of the north Atlantic; and the central position which, twenty centuries since, was held by Rome, is now occupied by London. We cannot understand the past without measuring it by, and comparing it with, the present.

The largest stream of the peninsula is the Tiber, which flows down the western slope of the Apennines and reaches the Mediterranean about half way between the Alps and Sicily. For sixteen miles from its mouth, this river has a width of about a hundred yards and depth of more than

ten feet. It was navigable for the ancients, to whom water transportation was much cheaper, relatively, than it is to us; they could make profitable use of smaller boats for freight than we can. On the southern bank of this river, near latitude 42° , fifteen miles from the sea, where the ascending navigator finds the first hills near the water's edge, and where he also encounters an island, there Rome was built. Its situation combined military and commercial advantages. Its hills and its island were admirably suited for fortification; and it was at the head of navigation, on the largest stream of Italy's western slope, which, being much nearer than the eastern slope to Carthage, Sicily, Spain, Gaul, and Sardinia, was destined to possess the leading cities of the peninsula.

The territory of the Romans was bounded on the north by that of the Etruscans, on the east by that of the Sabines, and on the south by that of the Latins. Beyond Latium to the southward was the land of the Volscians; east of Latium was that of the Æquians, and east of the Æquians and Volscians were the Samnites. All these nationalities seem to have been divided into numerous city states, or petty republics.

SEC. 423. *Legendary Period*.—The history of Rome may be divided into four periods: first, the legendary, from 754 to 280 B. C.; second, the historical republic, from 280 to 30 B. C.; third, the pagan empire, from 30 B. C. till 300 A. D.; and fourth, the Christian empire, a remnant of which maintained its independence until 1452 A. D. The last of these four periods does not come within the scope of this volume.

The legendary period includes almost five centuries, nearly equally divided between monarchy and republic.

The story of Rome, under the kings, as accepted until

the present century, is mythical. It has no connected thread of trustworthy narrative. It abounds with impossibilities. It may be compared with the tale of a notorious falsifier, relating to a matter in which he is interested, containing a multitude of indubitable misrepresentations, without evidence enabling us to verify such of his statements as are in themselves credible.

According to legend, the city of Rome was laid out on a large scale and founded by Romulus, whose father was a god, whose mother was a Latin woman, and whose foster mother was a she-wolf. He collected a large number of followers, mostly Latins, from neighboring states, and, with their aid, built the houses and walls of his capital. He became its first king, and he established a formidable military power. Instead of ruling despotically, as did other monarchs of his time, he transferred the supervision of his government and all legislative authority to a senate of three hundred nobles, collected in a regularly organized deliberative body. After a long reign, nearly all the years of which were spent in triumphant war, he made the throne elective, and gave the election to the senate. According to this story, Rome never had a hereditary monarchy. His successor, Numa, was not his son or relative, but a Sabine, who devoted his energies, during a long reign, to the arts of peace, and especially to the organization of an ecclesiastical system, in accordance with divine revelations given to him immediately. The fifth king, Servius Tullius, who was the son of a slave, transferred the highest political power from the senate to the free-men, or all those who formed the army of the republic. Under his reform, the popular assembly elected the king, enacted laws, and authorized peace and war.

In all there were seven kings, who belonged to three

different nationalities—Latin, Sabine, and Etruscan. They occupied the throne for two hundred and forty-four years, an average of thirty-four years—incredibly long average reigns for elective monarchs. The story of the Roman monarchy abounds with impossibilities and improbabilities, and it lacks every kind of authentication that should entitle it to our acceptance.

The overthrow of the royal government is attributed to the popular indignation at an outrage committed by Sextus Tarquinius, son of the last king, on Lucretia, wife of the noble Collatinus. In the main events of this revolution, as reported by Livy, there is nothing incredible, but our faith is overtaxed when we find that twenty-five years later, in 485 B. C., Rome was saved from destruction by the intercession of Veturia, mother of the traitor Coriolanus, at the head of a Volscian army; and that after thirty-six years more, in 449 B. C., the government of the decemvirs was overthrown in a revolution provoked by an outrage threatened to a Roman maiden, Virginia; and that about a century later an important constitutional amendment, providing that one of the consuls should always be a plebeian, proposed by the plebeian tribune, Licinius Stolo, was suggested by a desire to pacify his wife, who was offended by the higher honor paid to her brother-in-law, the patrician, consular tribune, Sulpitius.

States are not saved and constitutions are not changed so often in authentic history as in Roman legend. The story of Lucretia, or that of Virginia, that of Veturia, or that of the wife of Stolo, if it stood alone, might deserve our faith, but the four are too many for a brief period in the life of a small city, especially when we observe that their marvelous combination is associated with a number of other wonderful incidents which are introduced like

the surprises in a dramatic plot. We are told that even if it be admitted that these statements are historically untrustworthy, they are, nevertheless, "so rich and so beautiful that they give us an insight into the early genius of the people which would never have been divined from the imitative literature which has been handed down as Roman."¹ Unfortunately for this theory, the early genius of a people cannot be understood from the fictions of some one exceptional romancer among them, especially if that man should happen to be, as is possible, of foreign blood and education. There is a considerable share of Greek influence, and, perhaps, of direct participation, in the earliest literature of Rome; and the Roman legends are rather Greek than Roman in their character.

Our only record of the events of the four hundred and seventy-four years in the legendary period, is made up of myths and legends, that are of no value, mixed with traditions that have a historical basis. These traditions are inseparably entangled with the legends, and, besides, are conflicting and so confused in their chronological arrangement and in the connecting explanations that no critical acumen can now draw the line between the true and the false. We have no contemporaneous authority to guide us; no history of this period written by an ancient author who had much regard for historical truth with capacity to find and transmit it to later times. Records were kept in legendary Rome, the most notable being the annals of the Pontifex Maximus, or chief priest of the state, who had charge of the calendar, and made brief mention, under their respective dates, of such events as consular elections, eclipses, pestilences, famines, floods, and droughts, and, perhaps, also of glorious victories and disastrous defeats. These pontifical annals were destroyed in 390 B. C., when

Rome was captured and burned by the Gauls, and whether they had much historical value for later years is doubtful. No author known to us quoted their language or expressed an opinion of their merit.

In historical times, many patrician houses preserved copies of the orations delivered at the funerals of their distinguished men, with laudation of the achievements of their ancestors. Such family records, traces of which are observable in many chapters of Livy, cannot be regarded as trustworthy sources of history; they have not been preserved to our time; nor while they were in existence were they subjected to careful examination by any critical historian.

Another source of information for the later historians was the popular ballads, which recited the achievements of the early Romans in a manner suited to entertain their descendants and to heighten their pride in their ancestry. Like the funeral orations, all these ballads have been lost, and they are not even mentioned as of historical value by Livy or Dionysius. It may be presumed that the best of them were far inferior in poetic effect, as in historical suggestion, to the substitutes for them offered to modern readers by the fancy of Macaulay in his *Lays of Ancient Rome*.

SEC. 424. *Literary Poverty*.—The poverty of republican Rome in literature is as astonishing as her wealth in political and military capacity. A generation after she had acquired dominion over all of peninsular Italy, and two centuries after Athens had reached the height of her glory under Pericles, Rome had not yet one poet, dramatist, historian, philosopher, or other author whose name has been preserved to our time. Her earliest historian was Fabius Pictor, who was a contemporary of Hannibal,

and whose works are lost, as are also those of all later Latin historians who wrote in the century and a half between Fabius Pictor and Julius Cæsar.

It is wonderful that in the century of Plato, Aristotle, and Demosthenes; and in the next century of Epicurus, Zeno, Archimedes, and Ptolemy Philadelphus; and in the following century, that produced Polybius, Hipparchus and Ptolemy;—it is wonderful that in these three centuries, made illustrious by so many glorious achievements in literature and science by the Greeks, not one historical book worthy of preservation was written in a large city not far from Syracuse, in a city possessing a constitutional government, a steadfast foreign policy, a great army, a proud aristocracy, and the energy required to conquer and to rule all the nations fronting on the Mediterranean. Ancient Rome is scarcely less remarkable for the unparalleled preponderance which she held in culture through six centuries than for the unexampled poverty of her historical records.

The only comprehensive history of the legendary period of the republic, written by a Roman and preserved to our time, is that of Livy. He was an admirer of republican institutions and a patriotic citizen, and, therefore, in love with his subject. He had much literary talent and was a great master of Latin style. Enjoying the favor of the Emperor Augustus, and dwelling in the capital, we may presume that he had access to all the state documents and family records of known value. But he was primarily a story teller. His purpose was to amuse rather than to instruct; to please the fancy rather than to educate the judgment. He had little critical acumen. He neither discussed nor cited authorities. He did not see improbabilities. He had the work of Thucydides

before him, but did not profit by its lessons. He had no distinct conception of the development of Rome's constitutional or civil law, or of the condition of either in his own time. While covering us with darkness, he wrote as if he were leading us into light. He had so little sense of historical propriety or of literary integrity that he appropriated considerable portions of the work of Polybius, without acknowledgment.

Our other chief authority for the history of legendary Rome is Dionysius of Halicarnassus, a contemporary of Livy, far inferior to him in literary talent, and equally deficient in historical acumen and in comprehension of constitutional law. So incompetent were these men for their task that the exposure of their blunders is a large part of the work of those historians who in this century have examined the first period of republican Rome, covering two hundred and thirty years.

In the story of the legendary republic we find a traceable thread of credible facts, mixed, however, with so many impossibilities that we must reconstruct the narrative in accordance with the rules of historical analogy. This process is beset with many difficulties, but we must adopt it as the only middle course open to us, between a disgraceful credulity and an unsatisfactory rejection of every historical idea for this important period.

Not only did Rome lack a good history of her growth before 280 B. C., and also the materials from which such a complete history might have been compiled at a later time, but she never had an author who gave a comprehensive description of her republican government in any stage of its growth. Nor did she leave materials from which such a description can now be compiled with confidence in its accuracy. No author described the con-

stitution of Rome as Aristotle described that of Athens. As it was to her polity that she was mainly indebted for her pre-eminent influence in culture, so the defect of our knowledge on this point deserves mention as a subject of special regret.

Livy and Dionysius, our chief, and, indeed, our only authorities in regard to most of the history of the legendary republic, disagree as to many of the events; and this disagreement considered in connection with their equal lack of historical judgment and of trustworthy historical material, weakens what little faith we otherwise might have had in them. One must be false, and we have no reasonable assurance that either is true. They not only contradict each other, but on many points they are contradicted by other ancient authors who are quite as trustworthy as either.

A remarkable feature in the story of the legendary republic is the frequency with which events are duplicated. Thus there were two secessions of plebeians to the Sacred Mount; two instances in which the senate violated the promises made by a dictator or consul, that if the plebeians would defeat the alien enemy, the oppressed debtors should be relieved from their burdens; two cases in which the plebeian army, composed of men suffering under patrician oppression, showed their resentment, not by overthrowing their domestic tyrants, but by permitting themselves to be defeated in battle by alien enemies, a partisan trick never practised in any other state; two mobs caused by peculiar wrongs done to enslaved debtors; two riots in which nine persons were burned for opposition to the interests of the multitude; two acts of treason to injure Siccus Dentatus; and three instances in which Decius Mus, first the father and afterwards the

son, and finally the grandson, devoted himself to death in battle to secure victory for his country. Before reaching the historical period, these legends had become so vague that their dates and the names of the principal actors in the events to which they referred, were lost, and there was no test for distinguishing the false from the true version, if either was true.

The doubt as to many of the important events as told by Livy and Dionysius is accompanied, in both authors, by much fullness of trivial detail about unimportant occurrences, and even verbatim reports of speeches. It is evident that the deficiencies in the research of the historian are counterbalanced in many passages by the fancy of the romancer.

Dr. Thomas Arnold remarks that "in the life of Camillus there meet two kinds of fiction, equally remote from historical truth, but in all other respects most opposite to one another; the one imaginative but honest, playing, it is true, with the facts of history, and converting them into a wholly different form, but addressing itself also to a different part of the mind, not professing to impart exact knowledge, but to delight, to quicken, and to raise the perception of what is beautiful and noble; the other lame and fraudulent, deliberately corrupting truth in order to minister to a national or individual vanity, pretending to describe actual events, but substituting in the place of reality the representations of interested or servile falsehood."

In reference to the mutiny which broke out in 341 B. C., towards the close of the legendary period of the republic, the same author says: "Had we any history of these times, events so important and notorious as the great disturbances of the year 413 [341 B. C.], must have

been related in their main points clearly and faithfully. But because we have merely a collection of stories recording the great acts of particular families and individuals, and in each of these the glory of its own hero, and not truth, was the object, even matters the most public and easy to be ascertained are so disguised that nothing beyond the bare fact that there was a disturbance and that it was at length appeased, is common to the various narratives."

SEC. 425. *Roman Aristocracy*.—The monarchy was overthrown in 510 B. C., to give place to an aristocracy. This change occurred in the regular course of political evolution. Two centuries had elapsed since it was made by many of the Greek cities. In the early aristocracy of Rome, the commoners were not only excluded from office but also from the privilege of intermarrying with nobles. Livy says that they were admitted into the army and into the popular assembly; but political analogies indicate that these privileges were not granted until some time after the establishment of an aristocratic government.

The state was an aristocratic republic, and was officially designated as "The Senate and People of Rome;" in Latin, *Senatus Populusque Romanus*; and in initials, S. P. Q. R. The word people, or *populus*, in the official title meant the nobility; the commoners were the *vulgus* or rabble, who had no share in the political power. The nobles met in the clan assembly (*comitia curiata*) to elect consuls, and to vote for or against proposed laws, treaties, alliances, and declarations of war, submitted to them by order of the senate. In the three hundred clans there were thirty clan groups (*curia*), each of which had one vote for a consul or for any proposition submitted, that

vote being controlled by a majority of the nobles in the group. In case of an equal division of nobles, or of the groups, the lot decided. The nobles could not legally meet in their clan assembly until called together by a consul, nor vote in them except when requested to do so by that magistrate.

The consuls and the senate had presumably—and it must be recollected that we know of the existence of this strictly aristocratic government by presumption only—the same or nearly the same respective authorities as under the later mixed aristocracy, to be described in succeeding sections. Since the number of senators was the same as the traditional number of clans, it is supposed that originally the senate consisted of the heads of the clans.

In the course of their constant and arduous warfare, the nobles found themselves compelled to call upon the commoners to supply the great majority of the soldiers, and then to concede to them a share in the government, which was changed from a strict to a mixed aristocracy, and so remained until the overthrow of the republic. The story of the manner, in which the plebeians were permitted to share the political power, would be interesting and instructive, but in historical times, the Romans had lost all that portion of their national record.

The people were divided into four ranks: first, the nobles or patricians, who had an exclusive right to the high offices; second, the commoners or plebeians, who could vote and hold some minor offices; third, the half freemen, comprising aliens, freedmen, and sons of freedmen; and, fourth, the slaves. Nobility descended by inheritance to all the legitimate children of a patrician. He could not contract a legal marriage out of his rank;

he alone could contract a sacred marriage, consecrated by the priesthood. He could have only one wife, and she could have only one husband. He had the exclusive right to keep the images of his ancestors in the male line in his house, to exhibit them at the funerals of the men of his family, and to make offerings to them in his domestic worship. He alone had a right to hold an ecclesiastical or high political office, to represent the state in public worship, to consult the gods in the auspices, and to declare whether the omens were favorable to military projects or political propositions; and he only had the legal right without special order of consul or senate, to occupy public land taken from conquered enemies.

Though the commoner might, and in many cases did, possess considerable wealth, he could neither marry a patrician, nor hold a senatorial, consular, or sacerdotal office, nor have a domestic worship, nor keep the images of his ancestors in his house, nor be united to his wife by a sacred marriage. In the eye of the law, his matrimony was a mere cohabitation, a matter of profane usage.

SEC. 426. *Clients*.—In historical times some of the plebeians were clients or dependents of patricians, as probably all had been in an early age, when, perhaps, no man was safe unless he had some powerful protection, such as that of a noble clan. After the commoners obtained arms and admission into the legions, many felt strong enough to defend themselves with the aid of others of their own class, and then took opportunities to get rid of the burden of dependence with the consent of their patrons. Other clients were emancipated by the extinction of the noble families to which they had been attached. Many Latins settled in Rome and acquired franchise there as plebeians, who never had patrons. Thus there

came to be many independent plebeians. But clients were numerous in Rome until she was conquered by the barbarians.

The bond between patron and client was sacred, with an obligation of protection on one side and of service on the other, under conditions which are not clearly and fully explained by any Roman author. The client could not legally bring suit, nor testify against his patron, nor take part in any act of violence against him. If the patron was held in captivity, the client must aid in his ransom; if the patron's daughter was to be married, the client must contribute to her dowry; if the patron wanted a retinue to accompany him on any important public occasion, as at an election, a triumph, a funeral, or a riot, it was the duty of the client to be in attendance. On the other hand, the patron owed assistance, protection, and advice to his dependent. If the client needed shelter, clothing, or food, he applied to his patron for it. If the client left a minor child, the patron was its guardian. Every emancipated slave became the client of his late master. The freedman was not a plebeian citizen, nor was his son, but the grandson was, if he and his father were born under Roman law. The freedman who became indebted to his patron or was guilty of ingratitude might be re-enslaved.

SEC. 427. *Senate*.—The senate had exclusive control in matters of revenue, disbursement of public funds, levying armies, directing where they should be used, assigning high military commands, distributing certain classes of booty taken in war, and granting triumphs in the city.

It also had the initiative in declaring war, making peace, and enacting laws. It had the authority to try high officials for misconduct in office, and through this power could secure their obedience. It could suspend

any law which did not seem suitable to an unforeseen emergency; and could enforce, as laws, its resolutions which had not been submitted to or rejected by the people, whose action on senatorial propositions was usually a mere matter of form. In their sacerdotal capacity, various members of the senate had supervision of certain departments of the state religion, and could declare that measures adopted by the popular assembly were void because the sacred ceremonial had been violated or the omens had not been properly observed. Ecclesiastical trickery was a source of much political influence in Rome, as well as in some other countries.

The members of the senate were appointed by the consuls, and held office for life. Every ex-consul was entitled to the senatorship as soon as there was a vacancy. Custom required that other appointments should be given to those men who had held the highest offices in the army with credit, and thus the senators, as a class, were the men of the most approved courage and the highest experience in the public service. Nearly all were men over forty years of age; and, as a body, they comprised nearly all the military talent and official experience of the state.

The three hundred senators were divided into ranks with different privileges and strict rules of precedence. The first class consisted of the two consuls. The presiding consul for the month had the exclusive rights of introducing business, of making the first speech on the question before the house, of giving the right of speech to senators of the lowest rank, and of inviting outsiders to be present and to speak. The consuls could not vote.

In the second rank were the ex-consuls who had been appointed senators, precedence among them being given first to those who had enjoyed triumphs, and to those of

the major clans. Every ex-consul had the right of addressing the senate, and when a question was to be decided, he must be called upon by name, with a request to give his vote, and if there was a division he was requested by name to take his place on one side or the other of the hall. The senators of the third rank were those who had not been consuls. They could not make motions, nor, unless specially invited by the presiding consul, could they address the senate. They were not called upon by name when a vote was taken, but were invited in a body to express their opinion in the customary method. As the divisions were frequent, and their vote was then indicated mainly by their movements and not by their voices, they were called pedestrian senators.

In capacity and governmental experience, no other legislative body has ever been equal to the Roman senate. The Athenian senators held office for only one year, were chosen partly by lot, and had no independent legislative authority, being merely a committee of the assembly. They were always subordinate to the generals or archons. The Spartan senators held office for life, as the Romans did, but their advanced age, the youngest being sixty years old, made them inactive, and they, too, were merely a committee and were subordinate to the kings and ephors. The hereditary character of the Venetian senate prevented that body from being distinguished for ability. In the range and amount of its governmental authority, the British House of Commons approaches the Roman senate, but is much inferior in the average capacity and political experience of its members. Mommsen observes that the senate embraced "all the political intelligence and practical statesmanship" of Rome, and was "in consistency and political sagacity, in unanimity and

patriotism, in grasp of power and unwavering courage, the foremost political corporation of all times."¹

The senate never elected or designated a building for its exclusive use, nor did it ever, for any long period, limit itself to one place of assemblage. Its migratory habit appears remarkable when considered in connection with the facts that its meetings were frequent and very important; that its three hundred members required considerable room; that its officers had charge of the archives of the government, and frequently needed convenient access to their records; that its proceedings were always secret; and that with its control of the public funds, it could, at any time, have provided a building suitable to its numerous and important wants. It assembled in different temples and halls, supplied with chairs or benches but not with desks.

The days for assemblage were fixed, not by a general rule, but by special order of the senate or by special call of a consul, announced either in the forum by a crier, or to the individual senators by messengers. The usual hour was sunrise.

SEC. 428. *Consuls*.—The chief political, military, and judicial power of the state was intrusted to two consuls, elected by the people in the autumn or winter for a term of one year. They were clothed with equal authority and each was authorized to annul any official act of his colleague, or of any subordinate official. Custom required that no person should be elected to the office until he had served with credit in at least ten campaigns; and as the voters were nearly all soldiers, many of whom had risked their comfort and their lives under command of the consular candidates, they usually gave the office to a man of well-known courage and capacity.

As the classification of citizens for the purpose of voting depended on the amount of their property, it became necessary that a complete assessment roll of all freemen should be made, and that it should be revised at brief intervals. The work was intrusted to a consul designated by lot. The consul was also the custodian of the treasury, taking care of the public funds in accordance with the orders of the senate. As supreme judge, the consul could sit in person, or could designate a person to hear the evidence and render judgment in accordance with instructions.

When acting in his official capacity, the consul was accompanied by his lictors, or bailiffs, who were the carriers of his messages and the executors of his orders. When out of the city they carried rods and axes, as symbols of his power to scourge and kill those who should resist his authority. Until 457 B. C. each consul appointed a quæstor to act as the custodian of the public funds under his care. After that year these officials of the treasury were elected by the people.

The Roman consuls were equal in authority. They shared with each other the presidency of the senate, the presidency of the assembly, the command of the army, and the supreme judicial office. Like the nominal kings of Sparta they were subject to the orders of the administrative council and of the popular assembly; but in their presence no motion could be submitted to the senate for vote or discussion, without their consent, nor at an election could any person receive a vote until he had received consular recognition as a suitable candidate.

It being impossible that two consuls should command the same army or preside in the same meeting at one time, the law provided that the power should be held for

alternating periods, which were one day in the field and one month in the city, arranged by lot, that is, if the two consuls were together. If there were two armies, the senate assigned a consul to each; and sometimes one consul remained in the city while the other was absent campaigning.

The exclusive right of introducing bills and resolutions, of submitting propositions for consideration and decision, and of giving the privilege of speech to low class senators and to outsiders, gave to the consul an influence over the Roman senate greater than that held in any legislative body of modern times, by the presiding officer. Without consulting the senate or reporting to it, he appointed all the committees, directed their work, and accepted or rejected it at his pleasure. Besides he had authority to issue decrees, which, unless canceled by his colleague, or set aside by the senate, had the force of law until the end of his official term. He filled all the vacancies in the senate that occurred during his term; and after its close, he was entitled to the first vacant senatorship, for which he rarely had to wait more than a year or two.

The commanding consul had almost absolute power over his army in the field, and over the conquered enemy. He appointed all his subordinate military officers. He had complete control of the money furnished to pay the expenses of his army; and he could levy such contributions as he pleased on vanquished foes. He enforced discipline and distributed booty. He could conclude truces, and had general authority to make treaties valid until rejected by the senate.

The consuls could appoint a dictator, and the senate could confer dictatorial power on the consuls. The dictator or dictatorial consul possessed absolute and irre-

sponsible power for a term, which could not exceed six months, nor extend beyond the close of the current consular term. He was above the trammels of the civil and criminal law. After the close of his term he could not be called to account for any official act. When the tribuneship of the people had been established, with a sacred and inviolable character, it was powerless before the dictator.

SEC. 429. *Centuries*.—Under the system of a mixed aristocracy, the sovereign political authority previously exercised by the clan assembly (*comitia curiata*), controlled exclusively by the nobles, was transferred to the centuriate assembly (*comitia centuriata*), comprising all the adult male citizens not more than sixty years of age. This centuriate assembly was timocratic in character, or, in other words, was under the control of men whose political power was based on their wealth. For the purposes of electing their consuls, and of voting on laws and on questions of war and peace, the citizens were distributed into groups, or centuries, so classified, according to their wealth and their age, that the votes of the rich and old should have much more weight in proportion to their number than those of the poor and young.

Of these timocratic groups there were one hundred and ninety-three, divided into six classes. The first class comprised all citizens, whether patricians or plebeians, worth 100,000 asses or pounds of copper, and this class contained eighty-two centuries. Those citizens worth between 75,000 and 100,000 asses filled twenty groups in the second class; the third class, of those worth between 50,000 and 75,000 asses, made up twenty groups; the fourth class, of men worth between 25,000 and 50,000 asses, filled twenty groups; the fifth class, between 11,000

and 25,000 asses, were distributed into thirty groups ; and all those citizens worth less than 11,000 asses were comprised in one group of the sixth class. Since there were one hundred and two centuries, and a majority of the whole number in the two highest classes, which probably did not include one-twentieth part of the citizens, it is evident that the poor were at a decided disadvantage.

There has been much discussion about the value of the Roman *as*, or copper pound, in the early years of the republic. Like the English pound and the French *livre*, the Roman *as* was repeatedly debased, but when that governmental fraud began in Rome we cannot now ascertain. Mommsen, who is not surpassed as an authority in Roman archæology, thinks that 100,000 asses were equal in value to \$5,000 of our money, or to one thousand cows, in the beginning of the historical period.

Each class was divided into equal numbers of senior and junior groups. Thus in the twenty centuries of the second class there were ten of the elder and as many of the younger men. The seniors were those between forty-five and sixty years; the juniors were those between seventeen and forty-five. Now, in consequence of the high mortality in the constant and arduous warfare of the republic, added to the deaths from natural causes, there were nearly three times as many junior as senior voters; but the seniors controlling as many groups, exercised, in relation to their number, three times as much influence as the juniors. Besides, the old men were relatively more numerous among the rich than among the poor classes; and, again, the richest classes had the privilege of voting first, and the others, under the influence of current superstition, which accepted the first vote as a sacred omen, usually took it for their guide,

When ninety-seven centuries—a majority of the whole number—had declared for one side, and had thus secured a majority to it, the count was closed and thus the public could not learn officially the opinion of those groups which had not yet recorded their votes. No report was made of the number of persons voting for either side in any century; and there was no legalized method of ascertaining the opinion of the majority of the people.

The system of Roman timocratic groups was the most unequal method of taking a vote of all freemen ever adopted by a great nation. And, at first, the action of the centuries was not final in any part of the governmental business. The war or peace authorized by them could not officially be declared without a subsequent order of the senate. The bill prepared for and submitted to them, after approval by them, went back to the senate for final enactment. The consul elected by them could not take his office until he was installed by order of the clan assembly, though this installation was never denied and soon became an empty formality.

The centuriate assembly could not be called together for any purpose save that of voting, nor could they assemble at the call of any person save the presiding magistrate, nor when assembled could they be addressed by any person except him or some person appointed by him; and the exceptions were rare. The vote on a bill or on a proposition of war, peace, alliance, or law, was called a "questioning," or rogation, to which the people were requested to make a simple reply of "aye" or "no," without the privilege of discussing, amending, offering a substitute, or laying over for further consideration.

The place for the meeting of the centuriate assembly was not in a building within the city, but in the open air

outside of the walls on the parade ground; and there the vote of each group was counted in a pen bounded usually by stakes and ropes. Until the close of the war with Hannibal, the votes were given by voice, but a few years later the ballot was introduced.

Besides the assemblies of the people for the purpose of voting on the propositions of the senate; there were also meetings (*conciones*) called by the magistrates on other days for the purpose of discussing measures to be submitted to vote. On such occasions the magistrate who issued the call presided and designated the speakers. The main reason why the discussion was on one day and the decision on another was that the counting of votes was a tedious process; and it occasionally required a whole day. Those who heard the argument were often only a small proportion of those who rendered the decision.

SEC. 430. *Roman Army*.—Her military system was an important part of the constitution of Rome. She was pre-eminently a conquering state, nay, the conquering state. During the first four centuries of her republican government, all her leading citizens were soldiers, who had each served in as many as fifteen campaigns. Her army was the school in which her young men were trained for political life. The city was a permanent camp. Ten years of military service were generally considered indispensable to qualify a man for the lowest magistracy.

The maintenance of an efficient army was one of the chief purposes of the state. Every freeman between the ages of seventeen and sixty was subject to military duty; but until the decline of the republic, men without property were not enrolled as regular soldiers. The man of suitable age, and able to provide himself with arms, was

assigned to a squad, company, and legion, was required to attend regular drills, and might be ordered into the field at an hour's notice. Those soldiers between the ages of forty-five and sixty, called seniors, were reserved for duty near home, or in garrisons, unless, as many did, they demanded permission to participate in campaigns. Men more than sixty years of age, those who had served in twenty campaigns, state officials, priests, army contractors, and members of certain colonies, could claim exemption from military duty.¹

The main original features of the military system of the Romans were the combination of the javelin and sword for offense, the large size of the regiment (or legion), the fortification of the camp every night, and the establishment of strongly fortified military colonies in conquered territory. Their defensive armor did not differ in any notable respect from that of the Greeks, and, therefore, requires no description here. Instead of a Greek spear, from seven to ten feet long, or a Macedonian spear, twenty feet long, to be kept in the hand during the charge, the Roman soldier had two javelins, six feet long, to be thrown from a distance not exceeding twenty steps, and when he closed with the enemy, his only weapon was a short, heavy sword, two feet long, including the hilt, and about two and a half inches wide, with cutting edges. The soldier was taught to rely chiefly on the point of the sword for execution; and dependence upon it taught him to seek the closest contact with the enemy, and, after a little experience, gave him that confidence which is the greatest aid to victory. Since the introduction of long-range firearms into armies, the sword and shield have lost all their value, and drill has decreased greatly in importance. In their arms the Romans were

superior to all other ancient nations; in their tactics they were superior to all except the Spartans.

The javelin, or *pilum*, as the Roman called it, had a wooden shaft an inch and a half thick, and an iron head, the whole weighing about two pounds and a half. The point was soft, so that if it struck hard metallic armor it would bend and thus be unfit to be thrown back. In many cases the javelin was cast to fasten it in the wooden shield, which was thus loaded down so that it became unserviceable. The enemy, unable to draw out the javelin in the midst of the battle, and unwilling to fight without his shield, usually fled. For the purpose of using the javelin advantageously the ranks were open. The first rank having thrown their missiles stepped back to let the second rank deliver their fire, and then the third; and finally, drawing their swords and closing their ranks, they rushed upon the foe. By no other army well known to us was the javelin used with so much efficiency as by that of Rome.²

SEC. 431. *The Legion*.—The legion, or regiment, in early times comprised four thousand two hundred, and in the late republic, six thousand men. These were divided into ten cohorts, each of which had three companies; and a company was divided into two half companies, each commanded by its captain or centurion. The legion had sixty captains, of whom no two held the same rank. Every cohort, each company, and each half company was numbered, and the centurion in the first half company, in the first company in the first cohort, outranked all the other centurions in his legion. He had served in all the inferior captaincies of his legion, and was a member of the military council. Usually, in historical times, at least, the centurions were plebeians, and did not expect to ob-

tain any higher command. They were appointed by the consul or general. The regimental staff of the legion consisted of six military tribunes, who were usually selected from nobles who had served in the ranks through at least five campaigns. In the early republic they were appointed by the consuls; in later times some were elected by the people and others appointed.

The Roman legion had what may be called a regimental organization, but was much larger than any other regiment known to us, except the Macedonian phalanx. Its number implied a considerable population and a policy of conquest. It included some cavalry and in this respect resembled a modern army corps more than a regiment, but in most of its features it was the equivalent of the latter body.

There were various changes in the arms of the legions, but their history is not well known. Until the time of Marius, who gave javelins to every man, one-third of the men in each legion carried spears eight feet long. According to Sallust, Cæsar, who is the best of authorities, said the Romans copied the arms of the Samnites; whereas another report says they adopted the Spanish sword in the second Punic War.

Great importance was attached to the encampment. An engineer, sent in advance, selected the site and marked off the lines of the walls, streets, and lots. An established system fixed the relative positions of the headquarters of every legion, every company, and every half company, of the camp followers, artillery, pack animals, and baggage. The same system prescribed the duties of every man when going into, and when leaving, camp, and for many of these duties well-known signals were given by trumpet.

The camp must always be fortified, even in a friendly country, by a ditch and wall, each of which, in the proximity of a formidable enemy, must have a width of at least twelve feet, with an equal depth or height, and the wall must be surmounted by a strong palisade, rising six feet above the ground. This system of fortification imposed much labor on the Roman armies, but enabled them to select their own time for fighting, a matter of very great importance when, as often happened, there was serious difficulty in getting supplies of food. A proverb of the Romans said that they conquered by sitting down. Besides his arms, armor, provisions, and bedding, the Roman soldier on the march had to carry three or more stakes, each three inches thick and eight feet long, for palisades. The total weight was sixty pounds or more.

A political adjunct of the Roman military system was the custom of establishing colonies of Romans or allies in the conquered regions. The colonists were supplied with arms, slaves, cattle, lands, walls, and superior political privileges, so that they enjoyed a kind of nobility, ruling over the subordinate natives. The sites of the colonies were selected with special regard to their military advantages, and their fortifications were among the chief sources of the strength of Rome in war.

Every legion had engineers, who selected the camping places, directed the fortifications, and the work in the trenches and mines in sieges, and took charge of the artillery. It is probable that every army had its surgeons, but no mention is made of them by any Roman author.

The cavalry of the Romans was neither good nor numerous. Its inferiority to that of the Numidians, Gauls, and Thracians was admitted. About three hundred horsemen belonged to every legion. The Romans

disliked the sea, and for the construction and management of their war ships, depended mainly on allies, mercenaries, and slaves. In the first Punic War they gained some important naval victories, for which they were more indebted to their valor as soldiers than to their skill as mariners.

The war ships of the Romans were mostly quinqueremes, or vessels with five tiers of oars. The length was one hundred and seventy feet; the width at the water line, eighteen feet. Each tier had thirty rowers on a side, so that the complement for the vessel was three hundred. The Romans allowed one hundred and twenty soldiers to a quinquereme in addition to the oarsmen. Many of their naval officers were Greek freedmen.¹

SEC. 432. *Main Features.*—The main features of the Roman constitution, as it is reported to have stood soon after the establishment of the mixed aristocracy, have been explained in preceding sections. The true legislative authority of the senate, with the customary right of initiating and finally confirming legislative enactments, had, so far as we know, no parallel in the contemporaneous cities of Greece, though it probably existed among the earlier Hellenic aristocracies. Its possession by a body which comprised all the tried and experienced political and military talents of the state, secured the adoption of a steadfast policy in foreign and domestic relations. This and expansive citizenship were the two main original features and distinguishing characteristics of the Roman constitution. The division of the chief executive authority between two officials of equal power may have been copied from Sparta, and their annual terms from Athens; the life tenure of the senators, from Sparta and the Areopagus of Athens; and the

transfer of all ex-consuls to the senate may have been suggested by the promotion of the ex-archons of Athens to life membership in the Areopagus.

The limitation of the high magistracy to a single year, and the customs of choosing new men for every term, and of considering ten years of creditable military service as an indispensable qualification for the consulship, provided for the senate a good supply of men who had held the highest political and military offices, and who by their official experience and personal dignity would be protected against the danger of falling under the control of petty cliques, the influence of which is one of the chief evils of legislative bodies and administrative boards.

The popular assembly of Rome was far inferior in dignity and influence to that of Athens. Its members were not a homogeneous body like the Athenians, but a collection of distinct classes more or less hostile to each other. The measures proposed to it were prepared by an independent senate, and on many occasions were not explained, but were simply submitted with a statement that the welfare of the republic required the enactment. The division of the people into separate groups, which were to be counted, while the number of citizens on either side were not; the custom of voting upon important bills by an assemblage which had heard no discussion of the principles and interests involved; and the exclusion of the people from the privileges of initiating and finally enacting laws, were aristocratic features of the constitution. In Athens all, but in Rome relatively few, of the political orations were addressed to the multitude. In the former city the political control was held by a majority of the people; in the latter, by a majority of the nobles.

According to her traditions, Rome began her career by consolidating people of different nationalities into one state; and, in later times, she adhered to the same policy, giving to the inhabitants of conquered provinces equal political rights with her older citizens, until finally she conferred her full citizenship upon every freeman under her dominion. This system of naturalization was one of the chief sources of her power. Among ancient republics Rome alone adopted the rule of annexing territory, with the condition that its free inhabitants should possess equal political rights with her own freemen.

SEC. 433. *Sacred Mount*.—We are told that soon after the establishment of the republic, in 495 B. C., there was a rebellion of the plebeians. Their discontent, provoked by oppressive laws of debt, broke out in a succession of disturbances extending through several years. About the beginning of the trouble, the Volscians invaded the Roman territory, and were welcomed by the plebeians, who declared that they preferred slaughter by foreigners to enslavement by their patrician fellow-citizens. Livy says that they were “overwhelmed with debt,” and he conveys the idea that they were almost unanimous in their determination to resist the noble creditors. Under these circumstances, the patricians besought the consul Servilius, who was popular with the plebeians, to conciliate them, and he did so in a speech which has been reported to us, and which should not have had the least influence on men oppressed as, it is said, they were. He told them that “the senators desired to protect the interests of the plebeians;” and they, satisfied with this unmeaning promise, enrolled themselves in his army, and defeated the invaders.¹ When the victorious army returned, the debtors were immediately seized and impris-

oned or enslaved as before, and the senate refused relief. The next year there was another invasion by Volscians and Sabines, acting in concert. The peril was so great that a dictator was appointed, Valerius being selected because of his popularity with the commoners. He appealed to them to enter the army, repeated the assurance of Servilius about the good intentions of the senate, and the plebeians were foolish enough to be satisfied with this, instead of exacting an explicit promise of relief. They enrolled themselves in the army, and conquered the enemy. When peace had been restored, the money lenders had influence enough to prevent the senate from granting any relief to the debtors, whereupon Valerius resigned the dictatorship and gave a decided expression to his dissatisfaction with the violation of the promises made to the commoners.

The army of 18,000 plebeians openly rebelled. Encouraged by the approval of the general public, it remained in camp for several days on the Aventine Hill, determined to insist upon the protection of plebeian rights. Then in utter disregard of the plainest rules of common sense, this army, in possession of the city which inclosed their homes, families, and temples, their ancestral city, which had strong walls and an excellent military and commercial situation, this army, holding a position in which they could dictate terms to the patricians, marched out three miles to the Sacred Mount, a low hill near a small tributary of the Tiber, and there they camped and threatened to build a new city of their own. Their new site was not well chosen for either fortification or trade. It had no cliff or high elevation like that of the capitol hill in Rome; and its stream, besides being too small for navigation, entered the Tiber above the old city, where

all ships could be stopped. And even if the site had otherwise been excellent, it was evident that while Rome stood no formidable city could be built within three miles. Those who were unable to maintain themselves when in possession of the fortifications, surely could not build a hostile city on the Sacred Mount, a place not suitable for either defense or commerce.

However astonishing their withdrawal may appear to us, the subsequent conduct attributed to them is still more unreasonable. According to Livy they returned to their homes and their Roman allegiance without release from their debts, without limitation of the rate of interest, without the abolition of debt slavery, without the right of holding office, and marrying into patrician families; and, in short, without anything save a promise that they were to be protected against the consuls by tribunes. But the power of these tribunes was not explicitly defined, and they were to be elected by the centuries which were under the control of the patricians. A greater justification, a more formidable organization, and a more pitiful achievement of a revolutionary party, are not to be found in history. According to Dionysius, the debts were canceled, but even if such a concession was made, it was entirely inadequate to the provocation and to the power of the plebeians.

There is reason to doubt whether the oppression of debt was ever publicly announced by rebels as the main motive of their rebellion. Such an outbreak is unknown in authentic history. If the debtors ever undertook to throw off the political yoke of the creditors, mainly because of the debt, they gave some other pretext for their action. In disorders that had their origin in other sources, debtors have frequently done their utmost to in-

crease the confusion for the purpose of obtaining relief from their pecuniary burdens. Such occurrences, however, have been observed not in poor communities, but in great and luxurious cities, such as Rome was in the time of Cicero, and the leaders have been not poor plebeians, but nobles like Catiline, who had squandered fortunes and were willing to die in the attempt to become masters of the state.

In a rude and warlike community, as Rome was about 500 B. C., the plebeians generally would not have credit enough to borrow much money, and, indeed, at that time the Romans had not yet begun to coin money. The great majority of the debtors among the plebeians would naturally be not borrowers but tenants unable to pay their rent, a class which Livy and Dionysius do not mention as having anything to do with this revolution. Nor do these authors say anything of patricians, either insolvent or embarrassed by their debts, though we know that the nobles of ancient Rome, like those of modern England, frequently borrowed large sums.

We have now examined both the motive and the method of this revolution of republican Rome in 495 B. C., and we have found that neither deserves credence. We cannot safely say more of it than that perhaps there was a revolution in that year, and that in it perhaps the office of tribune of the people had its origin.

SEC. 434. *Tribunes*.—The office of plebeian tribune was treated as a concession to the commoners whom it was designed to protect. The tribune then or afterwards acquired authority to stop immediately and finally by his spoken order legislative action of every kind, either in the senate or in the centuriate assembly, and administrative and judicial proceedings of many kinds. His

power was so great that he could paralyze the government. He had extensive judicial powers ; he could arrest, try, and punish all, even consuls, who violated his legitimate orders. His person was inviolable, and it was a crime to interrupt him when speaking officially. His dwelling, which was also his office, was open at all hours of day and night, so that the plebeians should always be able to find a protector. His authority did not extend beyond the walls, and in the city was negative rather than positive. Its main purpose was to check the arbitrary conduct of the consuls. He could forbid the enactment of laws, or counting of votes in elections, and obstruct the execution of consular orders or regulations, but he could not prevent the enforcement of rights clearly defined in laws fully adopted by the senate and people.

The patricians could at any time deprive the tribunes of power by the appointment of a dictator, or by the adoption of a senatorial resolution instructing the consuls to provide for the safety of the republic, and both these measures appeared frequently in the history of Rome. In either case martial law became dominant, and the presiding magistrate acquired an authority in the city similar to that which he held at the head of an army in the field, and with less responsibility, for he could not be called to account subsequently for his official acts.

The tribunes were attended by bailiffs, who executed their orders and were assisted by plebeian ædiles, who had charge of the official records of the plebeians' assemblages, including those resolutions of the senate transmitted to the plebeians for their official approval.

SEC. 435. *Agrarianism*.—The first agrarian excitement of Rome, in 486 B. C., was succeeded by many others, which occurred at intervals for more than three centuries

and a half. About these troubles, as about many other events in the historical as well as in the legendary period, no Roman historian wrote with fullness and precision, and, therefore, we must depend for our information mainly on inferences and conjectures.

Rome confiscated one-third or more of the territory which she conquered in Italy, and then granted this confiscated portion to her citizens as owners in fee, or tenants at will; the tenancy being accompanied with the obligation of paying rent, which was in coin, or cattle, for the use of common pasture, one-tenth of the crop for land in grain and one-fifth of the crop for vineyard, or olive orchard. The rent charges were so low that they left a good profit to the tenants. But the state lists of the confiscated tracts were so defective that in extensive districts there was no official record of the limits of the public property, and the claims of the occupants that they were owners could not be disproved.

The rule of the old aristocracy, that the public land was reserved for the use of the nobles, remained in full force in the early years of the mixed aristocracy, but was afterwards repeatedly modified by special enactments, called agrarian laws, which provided that small tracts, usually three or five acres, should be assigned to such commoners as wished to settle on them. These laws diminished the areas open to the nobles, but did not otherwise reduce their privileges. Without direct permission from the legislative department of the government, and with some informal approval of a local official, the noble could take possession of a large tract, a thousand acres or more, while the commoners could not get a score of acres without a special law, a precise survey, and careful supervision by state commissioners.

A district of public land when first thrown open to citizens was usually on the border of the state, near to foreign territory, and still occupied in part by the former inhabitants, who had been vanquished, and in part, at least, despoiled of their possessions. Many of these people took every safe opportunity to injure the new settlers. Neither life nor property was secure. The Romans could not venture to dwell in small families remote from each other. For protection against marauders and invaders, it was important that there should be numerous strongholds in which the women and children should be kept, or to which, on brief notice, they could be transferred; and that the land should be used rather for pasturage than for tillage. Herds could be driven away on the approach of an enemy, while grain, fruit trees, and vines, because of their stationary character, were in greater danger of destruction. The noble estate of a thousand acres could be used advantageously for pasturage; the commoner's lot of five acres could not.

After a generation or two the property became more productive. The houses destroyed, and the orchards and vineyards cut down, at the time of the conquest, were restored. The hostile inhabitants had disappeared. The frontier having moved forward, perhaps fifty or a hundred miles, there was far less danger of invasion. When the land became desirable to the small farmer, then the commoners claimed a share of the district which they or their fathers, as the bulk of the army, had conquered.

To such demands the nobles made bitter opposition. They were quite willing that any citizen should have a piece of public land, proportioned to his social rank, but wanted him to take it before it had become subject to the prescriptive right of patrician occupation. When the

nobles took the land on the frontier, they did it with much risk and with frequent serious loss to themselves; and by maintaining possession, they had rendered great service to the state. To deprive them of the property so soon as it became the source of secure profit would be highly unfair. The great inequality in the size of the tracts, the differences in the circumstances under which they had been originally occupied, and the varieties of the dangers which the occupants had encountered in early and late years, rendered it difficult to devise plans which would not be the source of much injustice to a considerable proportion of those dispossessed, while it was obviously unjust to entirely exclude the plebeians.

These remarks are intended as a general introduction to the agrarian agitations, the first of which, as was stated in the beginning of this section, is attributed in Roman legend to the year 486 B. C., when Spurius Cassius, as consul, proposed to give tracts of public land to plebeians. His scheme was met by the patricians with angry denunciation, and he was silenced by murder. Of the situation or quantity of the land which he wished to divide, or of the other details of his scheme, we know nothing. No measures were taken to punish his murderers; and more than a generation elapsed before anything was again heard of an agrarian law.

SEC. 436. *Tribal Assembly*.—In 471 B. C. some bills in the nature of constitutional amendments, proposed by Publilius Volero, were adopted. One of them provided that the tribunes of the people, five in number, should be elected, not by the centuriate assembly as before,¹ but by an assembly of the tribes, which was controlled by, if not composed exclusively of, plebeians. It is probable that the election of plebeian ædiles, who were officers of

some streets and markets and had charge of certain public buildings, was given at the same time to the tribal assembly which now took a permanent place in the government.

The legend says that another in the series of Publilian laws gave a share of the legislative authority to the tribal assembly; but this statement is doubtful, because such a concession should not be expected in this stage of political development, and because the next twenty years were not marked by the events which might have been expected if the plebeian assembly had been admitted in 471 B. C. to participate equally with the centuriate assembly in the law-making power.

There have been instances, as in the English *Habeas Corpus*, in which certain rights have been guaranteed to the people in a succession of official documents; but those are not analogous to the bestowal of a large share in the government on a popular assembly previously provided with the means and the motives of defending and increasing its privileges.

To observe the natural course of development in a political society somewhat similar to that of the Roman republic in the first two centuries of its existence, we must go back to Athens, the mother of democracy. The first important concession which that city, after establishing the strict aristocracy, made to popular rights was the reform of Draco, who compiled and published the laws previously the secret possession of some few nobles. Her next concession was the reform of Solon, who abolished enslavement for debt; opened the highest offices to rich commoners; admitted all adult male citizens with an equal vote into the popular assembly, which possessed exclusive legislative power and supreme and direct con-

trol over all branches of the government; and the establishment of a senate, annually chosen from the citizens generally, with power to prepare bills, and supervise the administration, as representatives of the assembly, when the latter was not in session. The third important reform in Athens was that of Cleisthenes, who provided for regular and frequent meetings of the assembly so that it could exercise its powers efficiently; and who made a new apportionment of voters in such a manner that the nobles could no longer control the votes as they had done previously. The fourth and last reform, establishing a complete equality of all political rights in Athens, was that of Aristides, who threw open all the offices to all adult male citizens.

In Rome, according to Livy, the corresponding order of events comprised, first, the admission of all plebeians to a vote in the popular assembly under such restrictions that the poor citizens, who were a large majority, had very little influence in the government; second, the creation of the office of tribune, who, though selected under patrician control, was to protect the plebeians against patrician oppression; third, the transfer of the election of tribunes to the plebeian tribes, and the endowment of those tribes with a share in the legislative power; fourth, the compilation and publication of the laws; fifth, the opening of all offices to the plebeians, but under such circumstances that poor citizens could very rarely be elected; and sixth, the abolition of enslavement for debt. In Rome the poor plebeians never had an equal vote in the election of the highest officers, and the tribal assembly never acquired exclusive legislative authority or direct and continuous control of the administration.

The disparity in the march of liberal institutions in the

two leading republics of antiquity does not prove that the less trustworthy story of Rome is false, but it suffices to strengthen our doubts in regard to Livy's statement that the tribes were permitted in 471 B. C. to participate in legislation.

SEC. 437. XII *Tables*.—In 449 and 448 B. C. a series of written laws, known as the XII Tables, prepared by the decemvirs, were enacted. They were a summary of the main principles of civil and constitutional law that in the opinion of the leading men of Rome needed explicit statement. The first table, or chapter, treated of proceedings preliminary to trial; the second, of trial; the third, of execution of the judgment; the fourth, of paternal power; the fifth, of inheritance and guardianship; the sixth, of ownership and possession; the seventh, of real property; the eighth, of torts; the ninth, of public land; the tenth, of sacred law; the eleventh, of marriage; and the twelfth, of sacerdotal affairs.

Many fragments of these laws have been preserved, but we have no complete copy of any one table; and in regard to many of the sentences and sections there are reasons to doubt whether portions may not be missing. The portions now in our possession have been arranged in paragraphs, of which there are one hundred and five; on an average, about nine to a table. Of these paragraphs some are here copied from Hunter.¹ The chapters, or tables, are indicated by the Roman, and the paragraphs by the Arabic numerals.

I. 1. "When summoned in a civil suit by the plaintiff, the defendant shall go with him to the magistrate; and if he refuses, the plaintiff, calling a bystander to witness, may take him by force."

I. 6. "If the parties do not agree, the plaintiff shall state his case to the magistrate before noon."

I. 7. "If one of the litigants has not appeared by midday [on the second day of the hearing], the magistrate shall render judgment for the other."

II. 2. "Theft may be the subject of compromise."

III. 5. "A delinquent debtor may be kept in chains for sixty days, in the course of which he must be brought before the Prætor in the forum on three successive market days, and the amount of the debt shall be publicly declared. After the third market day, the debtor may be punished with death or sold into slavery beyond the Tiber."

III. 6. "After the third market day, the creditors [if there be more than one] may cut [off] their several portions [respective proportions] of his body; and anyone who cuts more or less than his just share shall be held guiltless."

IV. 2. "During his whole life the father shall have absolute power over his legitimate children. He may imprison or scourge his son, or keep him at work in fetters, or sell him, or put him to death, even though the son had been famous for his public services and had held the highest offices in the state."

V. 3. "The provisions of the will of a father of a family concerning his property and the guardianship of his family shall be enforced."

V. 4. "If the father of a family die intestate and without near heirs, the property shall pass to his nearest relative in the male line."

V. 5. "If he has no such relative, the property shall pass to his clansmen."

VI. 3. "A prescriptive title is acquired after two years' possession in the case of realty; after one year's possession in the case of other property."

VIII. 2. "If a man break the limb of another and do not compromise the injury, he shall be liable to retaliation."

VIII. 3. "For breaking the bone of a freeman the penalty shall be three hundred pounds of copper; of a slave, one hundred and fifty pounds."

VIII. 8. "A man shall not remove his neighbor's crops to another field by incantation, nor conjure away his corn."

VIII. 17. "Title to property in stolen goods cannot be acquired by prescription."

VIII. 22. "If anyone, after consenting to be a witness of a contract, refuses to give his testimony in an action based on the contract, he may be declared infamous, excluded from the witness stand, and deprived of the right of having evidence given on his behalf."

VIII. 25. "For practicing incantations, or administering poisons, the punishment is death."

IX. 1. "No law shall be passed to affect the rights of a single individual."

IX. 2. "The centuriate assembly shall have exclusive authority to take away the life or franchise of a citizen."

IX. 4. "There shall be a right of appeal from every decision of an arbitrator, and from every penal sentence."

X. 2. "The wood of the funeral pile shall not be smoothed with the axe."

X. 3. "Not more than three mourners wearing the mourning veil, one mourner wearing a purple tunic, and ten flute players may attend a funeral."

X. 5. "Women shall not tear their cheeks, nor indulge in wailing at a funeral."

X. 7. "The bones of a person shall not be preserved for a later funeral unless he died in battle or in a foreign country."

X. 8. "No person shall have more than one funeral or more than one bier."

XI. 1. "Patricians shall not intermarry with plebeians."

XII. 4. "While a thing is in litigation it shall not be consecrated to religious purposes, under a penalty of double its value."

The twenty-seven paragraphs of the XII Tables above quoted are in number of words about one-fifth, and, in significance, the most important portions of all that have come down to us. It is supposed that the extracts now in our possession covered more than half the space on the original plates.

SEC. 438. *Rude Justice*. — These passages from the XII Tables contain conclusive proof that in 450 B. C. the Romans were a very rude people, without extensive commerce, refined manners, well organized courts of record, or any high conception of human dignity. The powers of the creditor over the delinquent debtor, and of the father over the son, the money penalties for breaking bones, and the privilege of retaliating for a broken bone not compromised, are indications of barbarous rather than of civilized culture. Under this code there was no written complaint, no clerk required to issue a notice to the defendant, and no bailiff to serve such a notice or to summon witnesses. A lawsuit did not begin until both parties were in the presence of the magistrate. He who was not strong enough, with the aid of his friends or adherents, to drag his adversary to the Forum was not secure of getting a hearing. The force which the plaintiff might use lawfully in taking the defendant to the magistrate included not only the physical strength of his retinue, but the application of their weapons needed to overcome resistance. The law allowed each side to use its

power. The rich patrician, who never ventured into the street without a large troop of clients, could always force his adversary to trial, and never could be forced except by some other patrician who had a still larger retinue.

In a civil suit the judgment was rendered not against the property but against the person of the debtor. If the latter refused, or failed to satisfy the judgment, he could be sold, and he was allowed two months' time before a valid sale could be made. It was supposed that in that period he and his friends would do their utmost to pay the debt. If there were several creditors, the insolvent debtor might be cut to pieces, each taking what he considered his share; and even if he took more than his fair proportion, he was not held responsible for the error. This is the most barbarous provision in any written code of law preserved to our time, but we have no account that it was ever enforced. Some modern authors have asserted that the cutting of the body of the delinquent debtor meant merely the division of his estate, but this interpretation is rejected by the leading authorities. There would have been no serious difficulty in dividing the estate in proportion to the various debts; and the law would not have permitted one creditor to take more than his share of money or land.

As the defendant was dragged to the court, so, after the judgment against him, he was dragged away by the creditor, who, in his own house, and in his own manner, imprisoned, and, if he saw fit, enchained his victim. There was no public prison for the delinquent debtor, no official supervision of the method in which he was treated, during the sixty days which must elapse after judgment before he could be legally enslaved or executed.

The right of appeal from a judicial sentence of death

was equivalent to the abolition of capital punishment for citizens. Never was a tribunal less fit to hear lawsuits attentively, and to decide them with a proper regard to the public welfare, than the popular assembly of Rome, acting through its timocratic groups. The great majority of the voters, who numbered more than 80,000, if Livy be correct, could not hear any witness or advocate, and they were too coarse to care much for any case in which they had not some pecuniary or partisan interest. Neither consuls nor people wanted to be bothered with trials of ordinary murders. If appeals were taken in such cases, they usually never came to a hearing, and the accused was not noticed afterwards by the officers of the law, on account of the sentence hanging over him. The judges, seeing that they were unable to inflict capital punishment, condemned the worst criminals to banishment from Rome.

The exemption of the Romans from capital punishment had a demoralizing influence on them. Assassinations were frequent. Since the law would not punish murder adequately, relatives and friends made a practice of using their daggers. There was no efficient police. Wealthy men and influential politicians, usually, went about the streets accompanied by armed dependants, ready for the fray, and when engaged in angry controversy, their meetings with enemies frequently led to riots.

Persons not citizens, whether aliens or allies, had no right of appeal; and their inferiority in legal privileges stimulated the ruder class of Romans to treat them with habitual insolence and with frequent outrage. The rights of citizens were declared to be sacred, but were very inadequately protected because there was no efficient punishment for those Romans who committed crime.

Still more inadequate was the protection accorded to allies and aliens.

The provision in regard to retaliation for the breaking of the limb makes no exception for unintentional injury, as the law of retaliation among savages makes none; but it is possible that the paragraph as we now have it is incomplete or that judicial interpretation supplied the defect in the phraseology. Severe personal injury inflicted maliciously might be compromised, and so might theft. The state did not concern itself with such matters except upon complaint.

The provisions in relation to funerals are of sumptuary character, and indicate that the Roman people in the Vth century B. C. made extravagant shows of their pretended mourning. The methods of instituting civil suits, of delivering the insolvent debtor into the custody of the creditor to be imprisoned for two months and then sold into slavery or slain, and of treating mayhem and theft as private and not public offenses, are very remarkable features in a code of written law, which was praised by some of the Latin authors (who, as a class, knew little about the laws and cared little about the rights of other countries) as "the source of all public and private justice," as Livy styles it; and as the statement of "the soundest principles of government and morals," according to the extravagance of Cicero. The latter author lauds their superiority over the "rude and almost ridiculous jurisprudence" of Solon, a comparison that furnishes one of the most signal proofs of the untrustworthiness of the great Latin orator as lawyer and historian.

Among the new principles introduced into the Roman law by the XII Tables, were the provisions that property might be conveyed by will; that a son became his own

master when he was liberated after his father had sold him into slavery a third time; and that a son who was independent of paternal control should not be an heir of any portion of his father's estate under the general law of inheritance.

SEC. 439. *Formulas*.—Though there was no written complaint, answer, or demurrer in civil cases, custom required compliance with a precise oral formula. If, for instance, the suit was for 10,000 pounds of bronze, the plaintiff, in the presence of the magistrate, said to the defendant: "I declare that you owe me 10,000 pounds of bronze." The defendant replied, "I declare that I do not owe you 10,000 pounds of bronze." The plaintiff said, "I challenge you to a bet of 500 pounds of bronze that you do owe me the 10,000." The defendant responded that he accepted the bet. Each then deposited the amount of the bet or gave security; and the trial was either held immediately, or on some other day then fixed. If the plaintiff proved his averment, he got judgment for his claim and the stakes; if he failed, the defendant took the stakes. And he failed if the proof showed a debt less, by the least fraction, than the whole sum claimed.

In many respects the procedure was highly technical. The XII Tables authorized suit to recover damages for injury to "trees;" and the courts held that the trees included vines; but the complaint must say that the suit was for damage to "trees." If it said "vines," the plaintiff would be non-suited; if it said "trees," the averment would cover evidence relating to vines.

To get a legal title to a cow, a horse, a slave, a house, or a piece of land, it was necessary to go through a process called manual seizure (*mancipatio*), which required the presence of the seller, the buyer, the object of sale,

and of six Roman citizens, adult males, as witnesses, of whom one held a scale. The buyer, while resting his hand on the slave, if a slave was to be bought, struck the scale with a coin or piece of metal, and said: "I declare that this slave is mine by Roman law, and that I have purchased him with this money and scale." Without this formula, the legal title did not pass. Its use implied that it had its origin when the medium of exchange was uncoined metal, the value of which was ascertained by weight; and its application to the sale of land and houses implied a time when real estate was owned by clans, not individuals, and was not an object of sale. Written certificates of title and bills of sale were rare if not unknown in Roman law until a late period of the empire. Agreement and payment were sufficient to give title to things not mentioned among those transferred by manual seizure.

A will was not valid unless made under a form similar to that required for the sale of a slave. After the testator had declared the provisions of his will in the presence of the six witnesses, the executor, who was an indispensable party,—though his functions were not the same as those of the executor under the English law,—after striking the scale with the coin said: "In so far as you, by public law, have the right to make a will, let your estate and money be brought into my charge, guardianship, and custody, being purchased by me with this piece of brass."¹

A contract of sale conveyed with it an implied guaranty that the thing sold was serviceable and as good as it appeared to be. As Hadley expresses it, "the buyer was entitled to have an article as good as he supposed, and might reasonably suppose, he was getting when he bought.

If he failed in this, and the defects were so great as to make the article practically worthless for him, he could claim the annulment of the bargain. If the defects were less serious, he could insist on a diminution of the price, or if he had paid, on the return to him of part of the purchase money." 2

It was the duty of the vendor to declare all the defects which he knew in the thing sold; and he was responsible for any serious fault which he did not know, unless he protected himself by an explicit declaration that the buyer made the purchase at his own risk. The Roman law said practically, "Let the seller beware;" as the English law says, "Let the buyer beware."

Contracts for the future payment of money or delivery of merchandise were not made by written agreement but by oral stipulation, according to a precise form, with question and answer, the latter following the former without modification except by changing interrogation into affirmation. Thus a promise to pay 10,000 sesterces on the first day of the next month would be preceded by a question, "Do you promise to pay," etc. The response and the question taken together made the legal obligation. If the response was a promise to pay a larger or smaller sum or to pay that sum on another day, there was no legal contract.

Though brief, the decemviral code was comprehensive. It included constitutional provisions, definitions of civil right, methods of civil procedure, criminal law, and ecclesiastical regulations. On account of its crudeness and of the growth of the Roman people, it was soon amended; and within three centuries nearly all its clauses were repealed or seriously changed. But its tables were still exposed in the Forum to the inspection and venera-

tion of the public, while the hundreds or thousands of repealing or modifying laws were stored away in vaults, where they were hidden from the general public; and each of these laws related to some one subject of narrow scope and of no interest to anyone save the professional jurist or the exceptional litigant. For more than five centuries the XII Tables continued to be the only comprehensive collection of legal rules enacted by the state as of durable authority; and for this reason they were praised and venerated far beyond their merits.

SEC. 440. *Decemvirs*.—The XII Tables grew out of an agitation among the plebeians for the publication of the laws, and for more liberality in the constitution. The law had been a secret possession of the patrician, and in many cases the commoner could not learn its requirements until judgment was rendered against him for debt or crime. Such law as existed was, to a large extent, a matter of opinion, vague custom, and judicial discretion; and before patrician judges, the plebeian was at a great disadvantage.

The constitution was amended by abolishing the consular and tribunitian offices, and by creating in their place, the offices of the decemvirs, or ten ministers, who were to be annually elected by the centuriate assembly, and were to have the powers similar to those of the consuls. The plebeians expected that some of their order would be chosen to the first board of decemvirs, but in this hope they were disappointed. The successful candidates chosen in 450 B. C. were all patricians. They compiled ten tables of laws, which, after adoption by the senate and centuriate assembly, were engraved on ten copper plates, and posted up in the Forum for the information of the people. Their administration gave

satisfaction to all classes, and they retired with credit at the end of the year. At the second election for decemvirs, five plebeians and five patricians were elected. The new men soon assumed despotic power. They did not convene the senate or the popular assembly. They divided all the high functions of the administration among themselves, under an agreement that each should have exclusive control of his own department. They compiled two additional tables of law, and without enactment by the people, declared them in full force, and published them on copper tables.

At the end of the year for which they were chosen they did not order a new election. They continued to exercise their power as if they had been elected for an indefinite term or for life, and as if the senate and the centuriate and tribal assemblies had been abolished. Their usurpation gave great offense to the patricians, who, instead of undertaking to defend the privileges of their order, merely left the city to make their homes on their rural estates. The readiness to engage in civil war to defend their class interests shown by the senators in historical times did not appear on this occasion.

The plebeians had almost as much reason for dissatisfaction as had the patricians. The usurpers had not adopted the policy, usual among tyrants, of protecting the poor against the rich. They had recognized slavery for debt, the exclusion of the plebeians from office, and the prohibition of intermarriage between the two classes of citizens—the greatest grievances of the plebeians. They had deprived the commoners, as well as the nobles, of a voice in enacting laws and electing rulers. But the patricians were as submissive as the plebeians. Armies were organized and sent away to meet invading enemies

without the least movement against the domestic tyrants. Quiet prevailed until Appius Claudius, the leading man among the decenvirs, and the one who held the position of chief judge, undertook, with lustful motives, to use his judicial authority for the purpose of enslaving Virginia, a beautiful and virtuous maiden of a respectable plebeian family. Virginius, her father, unable otherwise to defeat the scheme of the tyrant, slew her in the Forum, and then, appealing to the multitude, gained their approval, and started a revolution which brought about the overthrow of the decemvirate.

Livy's story, which has been accepted in nearly all the histories of Rome, and the main points of which have been given here, abounds with improbabilities. It requires us to believe that, without receiving any guaranty of compensation, the plebeians consented to the abolition of the tribuneship and the tribal assembly; that though all the decenvirs chosen in 450 B. C. were patricians, half of the number elected on the next year were plebeians; that this change was made without any known reason; that for several years afterwards no plebeian was elected to or was qualified to hold the consular office; that the five plebeian decenvirs consented to the clauses excluding their order from office and forbidding the intermarriage of their order with the nobles; and that the ten decenvirs, instead of quarreling about their respective shares of usurped power, agreed as to the manner of its distribution, and then exercised it harmoniously for month after month!

The conduct of the legions in this revolution was not less wonderful, according to the story of Livy, than that of the patricians and decenvirs. Two armies, nearly all plebeians, numbering together 30,000 men, having heard,

while in service against foreign enemies, of the affair of Virginia and of the outbreak in the city, returned to Rome, for the purpose of overthrowing the tyrants. These armies entered the city without resistance, remained there several days in idleness, and then, though the tyrants had no military force, imitating the conduct ascribed to their fathers and grandfathers in 495 B. C., deserted their city, houses, wives, children, provisions, and fortifications, for the Sacred Mount, where they camped. Thither they were followed by the other men of their own order, leaving Rome almost without male inhabitants. The decemvirs perceiving that their rule was at an end, convened the senate, which body deputed Valerius and Horatius, two of their number known to be in favor with the plebeians, to make a compromise. These deputies went to the Sacred Mount and induced the plebeians to return to their homes by promising that the tribuneship and the tribal assembly should be restored; that the enactments of the tribal assembly should be accepted as laws by all classes; and that Appius Claudius should be punished. The plebeians are here represented as having separated themselves completely in a territorial and in a political sense from the patricians, and as possessing unquestioned power to dictate their own terms, and as having made no effort to abolish slavery for debt, or to open the highest offices of state to all citizens, or to repeal the prohibition of marriage between plebeian and patrician. If this be truth, then truth may be more incredible than fiction. Authentic history records many instances of civil war between nobles and commoners, but not one in which the poor, when they acquired the power, neglected to put themselves on a complete political equality with the rich; and it records

many cases in which the commoners, besides depriving the nobles of their superior political privileges, banished them, confiscated their property, or declared them incompetent to hold office. Legendary Rome is a solitary exception.

Although we are told that the first ten tables were framed by the good board of decenvirs, and the last two by the bad board; yet the most barbarous section in the whole code and the one that was the source of the greatest misery to the plebeians as a class, was the one on the fourth table authorizing the enslavement of the insolvent debtor. We are told further that the last two sections never were adopted by the people, and yet they were recognized as valid, and were treated with the same honor and reverence given to the other parts of the decenviral code. Historians and jurists never spoke of "the Ten Tables," nor of any attempt to repudiate or repeal them.

The statements of Livy about the decenvirs and their code are, as Arnold says of a portion of the Roman history two centuries later, "as perplexing and incongruous as a dream."¹ More probable are the conjectures that the decenviral office was not organized as a concession to the plebeians; that all the members of two boards were patricians; that the revolution of 448 B. C. was provoked, not by the tyranny of the decenvirs but by the harshness of the XII Tables to the plebeians; that a civil war ensued; and that peace was restored by a compromise providing for the establishment of the tribuneship and the tribal assembly. These conjectures harmonize, as Livy's statements do not, with the general tendency of political development in Rome, previous to the establishment of the empire.

SEC. 441. *Valerian Laws*.—Valerius and Horatius, who had acted as representatives of the patricians in making the compromise with the plebeians, were chosen consuls at the first election after the overthrow of the decemvirate, and, in accordance with their promises, they induced the senate and centuriate assembly to adopt certain measures which were known as the Valerian or Valerian-Horatian laws. The tribal assembly was re-established, with some modifications, perhaps admitting all members of the tribes, patricians as well as plebeians, and excluding all save freeholders from a vote. It is possible, too, that the centuriate organization was changed at this time so as to divide the groups on the basis, not of wealth, but of residence, giving to every tribe or district five senior and five junior groups. Such a change was introduced at some unknown time, and perhaps shortly after the middle of the Vth century B. C. The number of tribes in the late republic was thirty-five, so that then there were three hundred and fifty centuriate groups, or group votes.

The amendment conferring the power to enact laws on the tribal assembly was an important change in the constitution, but its phraseology is not quoted, nor is its precise effect described in any ancient book, and much doubt prevails in regard to it. Further remarks about the participation of the plebeians in the legislation of Rome will be reserved until we reach the Hortensian amendment, which was adopted in 286 B. C., as a re-enactment, or an amplification, of the Valerian law.

The compromise of 448 B. C. was the beginning of an active movement to enlarge the political privileges of the plebeians. The organization of the tribal assembly gave so much influence to the commoners that the

patricians were compelled to yield point after point in rapid succession. About this time the tribunes acquired, if they did not previously possess, authority to convene the senate, to take seats in the senate chamber, and to call the people together in the Forum for the purpose of listening to addresses on public questions. Only five years after the adoption of the Valerian amendments the law prohibiting marriage between patrician and plebeian was repealed, notwithstanding the angry protests of many patricians that the reform was sacrilegious.

In this matter of matrimony, as in many others, the patricians were unable to see their own interests. The bill was beneficial, not hurtful, to their class. It was a step towards depriving them of their great preponderance in the government, but it saved them from extinction. A close nobility dies out, even in a state of peace, and rapidly disappears in a community like that of Rome, engaged in arduous and destructive warfare every year, with its leaders always in the front rank, and in the most dangerous posts. The repealing bill imposed no burden on the nobles; and it offered them great privileges. It gave their young men opportunities to get rich wives, in families of superior energy and intelligence. It supplied them with a large re-enforcement of numbers, money, and brains, points in which they needed additional supplies.

SEC. 442. *Censors, etc.*—One year after the law was enacted legalizing marriage between patrician and plebeian, in 444 B. C., a law was enacted giving commoners the right of election to the consular tribuneship. Under Roman law there were three kinds of tribunitian office, those of the military tribune, of the tribune of the people or plebeian tribune, and of the consular tribune. The military tribunes were regimental officers, each legion

having six of them, with authority somewhat similar to that of the modern colonel, and without political functions. The plebeian tribune was a political official, without military functions. The consular tribune was elected in place of the consul, and had all his authority. He commanded the army, presided in the senate and popular assembly, and was the chief judge of the state. There might, however, be three, four, or six consular tribunes at one time (each to preside four, three, or two months in the senate), while there could not be more than two consuls. When the patricians found that they could no longer exclude the plebeians from the consular office, they proposed to compromise by consenting to the election of plebeians, under the condition that when one was elected, he and his colleagues should be called consular tribunes. If before the election the majority of the centuriate groups declared themselves in favor of electing consular tribunes, then plebeians were eligible. The office of consular tribune existed from 444 till 366 B. C., and then was finally abolished.

When the office of consular tribune was created and made accessible to the plebeians, some of the functions previously held by the consul were conferred on the new office of censor, which was open only to the patricians. There were two censors, elected once in five years, though their active duties were limited to the first eighteen months of their term. They prepared a list of all citizens, classified according to their rank, as senators, patricians not senators, and plebeians; and this list was presumptive evidence of certain important political rights. The man whose name was stricken from the list of senators by the censors ceased to be admitted to the senate until he had been re-instated by that body; and an order of re-

instatement was rarely made, because the censors were usually careful to exclude none save those who had brought disgrace on their rank. The censors could deprive the citizen of citizenship, and it was their duty to designate the centuriate, or tribal group, in which he could vote. These powers, and the custom of selecting censors from men of high reputation who had previously served as consuls, gave great dignity to the office, and made it an object of high ambition for the older senators. The censors could not change the political status of a citizen, unless they agreed, and custom required that they should not make such a change without a careful examination of the case, so that they could offer a plausible justification of their act if it were called in question.

Besides holding authority to fix the political condition of all citizens, the censors had general control over the regular revenues of the state, including rents from its public lands, tribute of all kinds paid by subject provinces to the imperial city, and dues levied on shipping for imports and wharfage. This control of the revenues carried with it a general supervision of all public property from which the state derived an income.

SEC. 443. *Licinius*.—In 366 B. C. the tribune Licinius Stolo proposed and carried a series of bills, some of which were constitutional amendments. They provided that the office of consular tribune should be abolished; that two consuls should be elected annually, one of whom must be a plebeian, and the other a patrician; that the judicial authority previously held by the consul should be conferred on an official to be called prætor, to be elected annually from the patrician order; that the office of curule ædile with jurisdiction over certain public buildings, roads, streets, markets, and police justice should be

created to be filled by patricians at the annual election for consuls; that no citizen should hold more than three hundred and twenty acres of public land, nor keep more than five hundred sheep or one hundred cows on the common pastures; that on every large estate of public land a certain proportion of the laborers, or tenants, should be freemen; and that all interest on unpaid debts should be remitted.

Under the Licinian laws there was only one prætor, who was next in authority to the consul, and in the absence of the latter presided in the senate and commanded in the army. Custom soon required that the patrician candidate for consul should have been prætor, and that the candidate for prætor should have been curule ædile. Although the office of prætor was created mainly for a better administration of justice, yet knowledge of law was not made a necessary qualification for it, and few of the prætors considered it their duty to devote any time to legal study. They could appoint commissioners to take testimony and they could take the advice of jurisconsults about the law, while they themselves gave their time and their ambition to political and military affairs.

There were four curule ædiles, to each of whom a ward of the city was assigned as his special territory. The plebeian ædiles, who were the subordinates of the tribunes of the people, had charge of the city festival until 355 B. C., in which year they refused to provide such an entertainment as the senate demanded, giving it as an excuse that they were not provided with enough money from public sources, and they could not afford to pay the expense from their own money. Under these circumstances the management of the city festival was trans-

ferred to the curule ædiles, with the understanding that, whether fines levied in their courts were sufficient or not, they must provide entertainments that would please the multitude. The acceptance of this rule by the people implied that the ædile who contributed most to the show, should, other things being equal, be preferred at the next election for the prætorship, and afterwards for the consulship. Thus the high offices were reserved for the rich men who would spend their money freely to please the people. This was a great departure from the course of constitutional liberty and indicated the spirit in which the Roman republic was conducted in the historic period of its existence.

The requirement that every large tract of the public land held by any one person should have some free occupants implies that already the multiplication of slaves had become an evil, and that fears were entertained that with the enlargement of the state, its military power, which was made up of freemen, would grow relatively weaker.

The provision in reference to the limitation of estates was not enforced. No commission was organized with instructions and powers to measure and map out the public domain. Such a survey might perhaps have been made by the censors without transgressing the bounds of their authority, but they did not see fit to undertake such a labor without explicit orders. Probably most of the consuls and censors themselves, and certainly their friends and near relatives, held possessions which exceeded the limit fixed in the law.

Within a score of years after the adoption of the Licinian bills, all the political offices were thrown open to the plebeians. A commoner might become censor,

consul, prætor, or curule ædile; and by election to either of those offices, besides being entitled to the first vacancy in the senate, he became a noble, with the right of transmitting his nobility to all his descendants in the direct male line. The patricians continued to be nobles, but were compelled to submit to the political and social precedence of the ex-consuls of plebeian descent.

SEC. 444. *Plebeian Priests*.—By their authority to forbid the accomplishment of official acts proposed in methods condemned by the sacred traditions or at times when the omens were unfavorable, the priests of Rome, who in the first century and a half of the republic were all patricians, had much influence in the government. And this influence was used systematically against the demands of the plebeian party. Three sacerdotal boards were especially powerful. The pontiffs had charge of the calendar, with authority to fix the sacred, the common, and the unlucky days when certain things might and others might not be done; and also to determine the beginning and the end of the year; for the Roman years were not uniform in length, and the board of pontiffs could add a month to, or subtract a month from, the term of a consul. The augurs had charge of a large class of omens, which they alone could properly observe and interpret, and their explanations of the divine will were conclusive. The custodians of the sibylline books were exclusively authorized to examine those writings, to quote their language, and to explain their meaning. When an important enterprise was to be undertaken, one of the first things to be done was to inquire whether these books contained any predictions applicable to the case; and if so, the interpretation of the custodians controlled the conduct of the officers of state.

As the plebeians believed that the sacerdotal authority was often used against them unfairly, they demanded representation in these boards, and in 360 B. C., succeeded in obtaining the adoption of a law that five of the ten custodians of the sibylline books should belong to their order; and when, in 300 B. C., they gained half of the boards of pontiffs, and also of the augurs, they could congratulate themselves on having an equal right of appointment or election to all the legislative, judicial, sacerdotal, political, and military offices.

Some few wealthy patrician families got much more than an equal share of the high offices of state. In the period of one hundred and ninety-three years, between 366 and 173 B. C., there were three hundred and ninety-six consuls, or consular terms, counting two terms to each year; and of these terms, thirty were held by the Cornelian clan; eighteen by the Valerian; fifteen by the Æmilian; twelve each by the Claudian and Fabian; ten by the Manlian; eight each by the Sulpician and Postumian; seven by the Servilian; and five by the Quintian. This gives an aggregate of one hundred and twenty-five consular terms to ten clans, and an average of more than twelve to each.¹ Between 123 and 109 B. C. "four sons and probably two nephews of Quintus Metellus gained the consulship; five of them gained triumphs, and one was censor, while he himself had filled all the highest offices of the state."² The commoners were probably nineteen-twentieths of the free population, but they did not obtain more than half of the offices.

The Licinian law that of the two consuls chosen every year one should be a plebeian, fell into desuetude, and it became the custom to take all the candidates from the patricians or from those families which were formerly

plebeian and had been ennobled. When Cicero became consul in the last half century of the republic, it was said that he was the first commoner who had reached the consulship in a generation, and the first who had ever reached it in the first year of his eligibility.

SEC. 445. *Veii, etc.*—The tradition given in Livy that under King Servius Tullius, about 550 B. C., Rome had 80,000 adult male citizens, is not entitled to unqualified acceptance. When Athens was at the height of her prosperity, when her fleet was the most formidable in the Mediterranean, and when her power was feared at Persepolis and Thebes, she had not 40,000 citizens of military age; and it seems scarcely credible that Rome, while still nearly at the beginning of her career, with independent cities not ten miles from her walls, should have twice as many.

But she may have been already the strongest city in central Italy, and perhaps in the peninsula. Besides the advantages of her site for defense and commerce, and of her larger population, she had the other great advantages of unquestioned pre-eminence in the Latin kinship, which, in the number of citizens, in political coherence, and in military discipline, surpassed that of the Etruscans on the north and that of the Italian Greeks on the south. This Latin kinship included the Latin, Sabine, Volscian, Hernican, Samnite, Umbrian, and Picenite nationalities.

Notwithstanding frequent quarrels among themselves, each of these nationalities of the Latin kinship had a league for resisting attacks by other nationalities; and Rome had an alliance with the Latin league with a preponderant voice in its management. This league was witnessed by a treaty stipulating that "there shall be peace between the Romans and all communities of the

Latins as long as heaven and earth shall endure. They shall not wage war with each other, nor shall they call enemies into the land nor grant passage to enemies. Help shall be rendered by all in concert to any community assailed, and whatever is won in joint warfare shall be equally distributed." The treaty provided that Rome should not make a separate contract with any Latin city, but must deal with all of them on the same terms through the general league. This alliance proved to be far more beneficial to Rome than to the Latin cities; indeed, it enabled her to use them in reducing, first their neighbors and then themselves to subjection.

During the first century of the republic, Rome had a war every summer with some city in her near vicinity, and usually her campaigns added a little to her strength and wealth. But her gains were slow; in three generations she had made only two conquests of territory, one that of Ardea, twelve miles to the southwestward, and that of Fidenæ, five miles to the eastward, on the southern bank of the Tiber. Both of these states had walled towns, so small however that scarcely any traces of their existence can now be found on their abandoned sites, and so small that we cannot comprehend how, during three generations or more, they could have maintained their independence within half a day's march of a city with 80,000 fighting men.

In 396 B. C. Rome doubled the area of her subject territory by conquering the Etruscan city of Veii, twelve miles distant to the northward, after a siege of ten years. The Veiians were avenged in 390 B. C., by the Po-basin Gauls, who, after overrunning Etruria, followed the Tiber down to the plain, defeated the whole military force of the Romans in a pitched battle at Allia, took their city,

despoiled and burned it, and after failing to capture the citadel, accepted a thousand pounds of gold as an inducement to leave the country. Although they had impoverished and weakened Rome, it is probable that they inflicted much greater injury on Etruria, which was then the chief obstacle to the development of the Roman power. Some years afterwards a great naval defeat was inflicted by the Syracusans on the Etruscans, and this combination of disasters, on land and sea, prepared the latter people to become the victims of their southern neighbors, as they did in a succession of petty aggressions, no one of which occupies a prominent place in history. Before 350 B. C. a large part of Etruria was under Roman control.

Having subdued her nearest neighbors on the north, Rome turned her arms southward, and in the first Samnite war, which began in 343 B. C. and lasted two years, she obtained possession of the important city of Capua, with a considerable area of fertile territory. Her next war of note was with the Latins. Its cause, not satisfactorily explained, was perhaps that the Latins threw obstacles in the way of the increasing power of Rome; or, possibly, that they demanded a share of the booty proportioned to their soldiers in the allied army; but more probably that Rome thought the time had come when she could safely reduce Latium to subjection. The last of these explanations presumes that Rome followed the policy which she usually adopted towards those whose services were no longer necessary to her.

The Latin war began in 339 B. C., and continued two years, ending with the subjugation of most of the Latin cities and of some Volscian cities which had sided with them. The men taken in arms were slain or enslaved,

and the noncombatants were spared and made tributary. Several Latin cities which had sided with Rome were rewarded by admission to her citizenship. The second Samnite war began in 326 B. C., and lasted twenty-two years. It tried the strength of Rome severely, but she came out victorious, with the satisfaction of having reduced her most formidable enemy on the peninsula to a defensive position. The third Samnite war, from 298 to 290 B. C., closed with the complete conquest of Samnium. Five years later the Senonian Gauls on the basin of the Po and some Etruscan cities which had entered their alliance, were subjugated; and now Rome held dominion over nearly all the peninsula of Italy. The only independent city was Tarentum.

SEC. 446. *Hortensius*.—The year 286 B. C. witnessed the last secession of the commoners, who, on this occasion, acting as a body of unarmed citizens, camped on the Janiculum Hill, just outside of the walls, and stayed there till promises were made of concessions, now known as those of the Hortensian laws. These provided that debts should be reduced, that nine acres of public land should be assigned to every citizen applicant, and that the tribal assembly should have authority to enact laws binding on all citizens. As in 495, in 449, and in 366, so in 286 B. C. the commoners left the city without civil war or a serious riot. Though they were a great majority of the citizens, and were all, or nearly all, well trained soldiers, and were well supplied with arms, they angrily, and yet peacefully, abandoned their families, their dwellings, and their fortifications, for the purpose of compelling their noble oppressors, who were a small minority, to make concessions as to debts, public lands, and a share of political power.

No ancient author gives us the precise phraseology of any constitutional provision relating to the legislative power in the Roman republic; nor did any one of them write a treatise, preserved to our times, with clear definitions of the legislative functions of the senate and of the centuriate and tribal assemblies. It seems probable that in some time of civil discord the senate promised that the tribal assembly should possess complete power to enact laws, but gave the promise in questionable phraseology, or with vexatious conditions.

That the concession was made in a riot or civil war is indicated by its incompleteness. If adopted in time of peace, it probably would have been comprehensive enough to secure harmony among the different legislative bodies, and would have been expressed in language worthy of quotation, discussion, and laudatory comment by historians and orators. The intention of the senators to keep control of the legislation is evinced by the facts that they retained the management of the administration; that in all subsequent generations they systematically refused to execute those tribal enactments which they disliked; that by refusing to execute they practically repealed them; and that the tribal assembly never called the senate to account for its disregard of the constitution, nor tried to take away the legislative power of the rival centuriate assembly. The latter organization being under the influence of the patricians, and having control of the election of consuls, prætors, and curule ædiles, who after the close of their executive terms became senators, presented an insuperable obstacle to any steady domination by the plebeians. The tribal assembly seems to have had little power except during brief periods of popular excitement.

The rules recognized by the courts that a law became

void by neglect; that the order of the consul, whether based upon legislative authority or not, unless vetoed by his colleague, was law during his term; that he could not be called to account before the end of his term, for any illegal act; that the resolution of the senate was law for a year, unless sooner rejected by the centuriate, or tribal assemblies; and that the senators were not responsible to any tribunal for refusing to enforce any law;—all these indicate the predominance of aristocratic influences in the government.

Of the discord and even bitter hostility between the senate and the tribal assemblies, there are many reports. Indeed, the domestic history of the republic is made up, to a large extent, of the outbreaks of such hostility. The secessions of the plebeians, the assassinations of popular leaders accused of aspiring to royal power, and the refusals of the senate to execute agrarian laws, and to fulfill promises of relief to the debtor class, could not have occurred under a government that was administered harmoniously.

SEC. 447. *Nobles United.*—In a state that permits a struggle between aristocratic and democratic tendencies, statesmanship and selfish ambition combine their forces to drive many of the noble and wealthy political leaders into the popular party. While national strength and greatness shall depend mainly on the multitude, it will be the duty of a wise ruler to educate the populace, and gradually confer on them larger shares in the government, until they become fit for complete equality. If the contest between the two parties be peaceful and healthy, the progressive side will gain strength continuously, and thus will be able to confer increasing rewards on its leaders. Under such influences, Solon, Cleisthenes, Aristides,

and Pericles were potent in Athens; Russell, Brougham, and Gladstone in England; Stein in Prussia; Mirabeau Thiers, and Gambetta, in France; and Victor Emanuel, and Cavour in modern Italy. But no man deserving a place in this list belongs to ancient Rome. That state, at least in the period of the historical republic, had many revolutionists, but no great political reformer who labored to make the government more liberal.

In most other countries possessing a nobility and an active political life, a considerable number of the nobles have sided with the commoners, and labored with them steadily for generation after generation in a healthy and consistent struggle for liberal constitutional amendments. It was so in ancient Athens, and it is so in the Great Britain, France, Germany, Italy, and Austria of our time, but it was not so in ancient Rome. There no body of patricians sided with the plebeians. If a noble showed democratic leanings, he stood alone in his order. The political struggle was not steady and healthy, but convulsive and violent. When an important amendment was adopted, it was the result of a riot. To pacify the multitude, the nobles made a promise of concession, and in many cases violated the promise. The senate was not one of the fields in which the two political parties contended for the mastery; it was the organized representative of the aristocrats. When an official proposed or favored an agrarian bill, the people and authors, like Cicero, Sallust, and Livy, said he had taken side against the senate. Such remarks were made about Tiberius Gracchus, Caius Gracchus, Caius Marius, and Julius Cæsar.

In the Roman senate there were no famous parliamentary debates on questions of constitutional law, no

eloquent pleas for the enactment of additional guaranties of popular freedom. Of the orations delivered in that body, and preserved to our time, not one relates to the contest between the progressive and conservative sides of government. It may be considered characteristic of the political life of Rome that the most notable senatorial orations of Rome known to us are devoted to the conspiracy of Catiline; not to a project of peaceful reform, but to a plot for a malignant and blood-thirsty revolution.

The unanimity of the Roman nobles for century after century, in their opposition to democratic ideas, was perhaps caused by the association of these ideas with rudeness and disorder. The plebeians, as a class, were the coarsest populace ever admitted to a share in the government. Their secessions, riots, political murders, their devotion to war as their main occupation, their fondness for gladiatorial shows, their system of demanding such shows as bribes for votes, and their custom of living, not by their productive labor, but by the plunder taken from their conquered provinces,—these together characterize them as entirely different from the multitude in any other constitutional state. Such a coarse populace could not offer an attractive partnership to a great statesman, and therefore it was that the ablest ancient Romans, including Sulla, Cicero, and Cæsar, were enemies of democratic institutions.

If the Roman constitution had been constructed upon a logical plan, the two forms of the popular assembly would each have had a distinct function. Each would have had the duty of expressing the opinion of the multitude upon a certain class of measures. But the constitution was not logically constructed, and there was no

division of labor between the tribal and the centuriate organizations. Those bills prepared by the tribunes were submitted to the tribal groups; those prepared by the consuls, to the centuriate groups. The author of the bill sought the approval of the body which he convened, over which he presided, and in which he had the most influence. Since nearly two hundred group votes, a majority of the whole number, had to be counted in the centuriate assembly, and only eighteen in the tribal assembly, the latter was the more convenient of the two modes of obtaining an expression of the popular will. Except in times of excitement which amounted almost to riot, the taking of the popular vote on bills was a matter of empty form.

Whatever the Publilian, the Horatian, or the Hortensian law may have said, we know that, practically, unless when frightened by a furious plebeian mob, the senate held firm control over the legislation as well as over the administration of the state till the time of Sulla. The tribal assembly was democratic in its feelings, but it never acquired a predominant influence in the government except during spasms of popular excitement, too brief and disorderly for the enactment of comprehensive reforms. There was no well-devised scheme of democratic government; no well organized democratic party; no democratic side in the senate; no Cleisthenes or Pericles among the Roman nobles; no systematic agitation, even among the plebeians, for the transfer of the elections from the centuriate to the tribal assembly, or for the reconstruction of these latter groups, so that they should be of equal size approximately, or for the abolition of the rules practically excluding the poor men from office. When the people were assembled to hear an address about some

question to be decided by a vote of the tribal assembly, the speakers turned their backs to the multitude and their faces to the senators on the opposite side of the forum, and this habit was maintained until the beginning of the disorders which filled the last century of the republic with almost continuous confusion and frequent civil war.

Polybius, who wrote only a few years before that period of disaster, who had resided in Rome for twenty years as the companion of the second Scipio, who by his capacity and official experience was far better qualified than Livy or Dionysius to understand the Roman constitution, whose history of Rome is the only one written in the IInd century B. C. and preserved to our time,—Polybius leads us to believe that during the century and a half of which he wrote, the most prosperous period of the republic, the senate controlled the legislation and the administration. He tells us that the consuls “convene general assemblies,” to which they “submit the resolutions of the senate for ratification;” and he adds that “to the people belongs the power of approving or rejecting bills,” thus clearly conveying the idea that no popular body or bodies had general legislative authority independent of the senate.

The predominance of aristocratic influence showed itself in the foreign as well as in the domestic policy of the republic. No city under the control of Rome, in any period of her career, was permitted to maintain a democratic government. So soon as the Romans could dictate terms, they required the establishment of an aristocracy. The Roman consuls made friends with the nobles in the allied cities and not unfrequently with those in neutral and hostile cities. Such a policy would not have been pursued under plebeian control.

If the commoners had ever obtained peaceful and secure control in the legislation of Rome, they would have lost no time in abolishing the aristocratic features of the constitution. They would have commenced by superseding the centuries, and reorganizing the popular assembly in such a manner that the vote of every citizen should have an equal weight in the passage of laws and the election of magistrates. They would have taken from the senate all its independent authority, all its control over the finances of the state, and all its privileges in suspending laws, in enforcing its resolutions as laws, and declaring martial law. The majority of the commoners everywhere want democratic government, and they never fail to establish it when they obtain political control. As they did not establish it in Rome, we know that they did not have the power, which they could not have exercised with credit to themselves or benefit to the state. They did acquire enough influence to throw Rome into the most disastrous period of anarchy known to history.

The republican government of Rome had passed through all the stages of its peaceful growth, and had reached its most complete development in the dimness of the legendary period. No material modification was made between 280 and 130 B. C., in which latter year began the century of anarchy, in which there was no peaceful political progress.

The long contemporaneous existence of the two rival popular assemblies—the centuriate and the tribal—both possessing and occasionally exercising the power of enacting laws, without any known attempt by either to abolish or to co-operate with the other, cannot be understood without the aid of the suppositions that ordinarily both were under the influence of the senate, and that

there was such political discord between the different classes of citizens that the leading statesmen did not consider it advisable to propose reforms that might have brought the different parts of the constitution into harmony with one another.

We have now reached the end of the legendary period of Rome. Most of the leading events and dates in it, as handed down to us by tradition, may be true, but we must not forget that the evidences to support them are unsatisfactory, that the connections between them are doubtful, and that many of the incidents accompanying them are improbable.

CHAPTER XXIX.

HISTORICAL REPUBLIC.

SECTION 448. *Mythical Virtue.*—It is necessary to divide history into definite chronological periods, the boundary lines of which, in many cases, must be drawn arbitrarily; and such a case occurs here. Fabius Pictor, the earliest historian of Rome, whose book though now lost was known to later writers including Livy, may have written about 230 B. C., and may have obtained information from men who had a personal knowledge of public affairs in 280 B. C., which date is therefore fixed as the beginning of the historical period of Rome.¹

With the close of the legendary era the character of Roman history changed. The supernatural gave way to the natural; probability succeeded to improbability. The gods ceased to take an active and prominent part in Roman life. They were no longer responsible for the paternity of the children of vestal virgins; they did not lead the Roman armies in battle; they did not come instantaneously from distant fields to announce victories; they did not command Roman heroes to save the republic by leaping into yawning chasms or by offering their lives in sacred sacrifice; and they did not dictate Roman laws. The time had passed when all the plebeians were in debt to the money lenders; when they seceded peaceably until their debts were canceled; when

they abandoned fortifications to strengthen their military position and to exact political concessions; when they did not take all the privileges within their easy reach; when, to spite the patricians, they allowed themselves to be defeated in battle by alien enemies; when the women were all chaste; when all the great patricians were honest and many of them were poor.

The stern consuls who had executed their valiant sons for violating petty rules of camp discipline had disappeared. Junius Brutus and Manlius Torquatus had no successors in historical times. Poverty and extreme simplicity of life had ceased to give luster to the most successful generals and the most influential statesmen. The hovel and the humility of Cincinnatus were succeeded by the palace and the pride of Scipio.

The wonderful displays of Roman magnanimity to enemies were limited to the legendary era. When in 390 B. C. a schoolmaster of Fidenæ delivered all his pupils, the sons of leading citizens, to Camillus, the latter tied the hands of the traitor behind his back, liberated the boys, supplied them with sticks, and told them to drive the villain back to their town. The citizens of Fidenæ, overcome by the generosity of Camillus, surrendered to Rome. The Volscian city of Privernum was treated, according to the legend, in 330 B. C., with an indulgence unknown in historical times. Having been conquered by the Romans, it revolted, and was taken a second time, whereupon it was ordered to send deputies to Rome to hear the order of the senate. The consul said to them, "What do you deserve?" They replied, "The treatment due to people who love freedom." Again the consul said, "If we spare you, what can we expect?" The reply was, "If you treat us well, peace; if not, war." The

senate admired the independence and courage of these replies so much that they not only spared Privernum but immediately conferred full Roman citizenship on all its freemen. After 280 B. C. no city was vanquished by generosity as was Fidenæ, and none conquered by arms was welcomed like Privernum with honor into Roman citizenship.

SEC. 449. *Pyrrhus*.—Having gained control of all peninsular Italy, save Tarentum, the Romans made war on that city. Pyrrhus, who was king of Epirus, and a distinguished general, possessing an army armed and drilled in Macedonian style, was induced to come to its aid. He landed in southern Italy in 281 B. C., with an army of 25,000 men, and after inflicting several disastrous defeats on the Romans, started northward for the purpose of plundering their territory, threatening their capital, and enticing their allies to join him. While on his way, he sent an ambassador to them, offering them peace on the conditions that Tarentum should be left free, and that other Greek cities of Italy, and parts of Samnium and Apulia should be liberated. As Rome had no general equal to Pyrrhus in strategy, and no army that could meet him in the open field, and as he was able to plunder much of their territory, most of the senators were disposed to accept his terms. They were shamed out of their purpose, however, by Appius Claudius Cæcus, then a blind and very old man. He had been consul and censor, and in the latter capacity had built the first great military road (the Appian) leading from the capital, and also the first aqueduct (the Claudian) to supply it with water. On account of his age, his distinguished public services, his strong character, his influential family connections, and his vigorous eloquence, he was regarded with much

reverence. When he heard that a session of the senate was to be held for the purpose of considering the terms proposed by Pyrrhus, he summoned his four sons and his five sons-in-law to take him to the senate hall, where he carried the day by his emphatic protest against peace on any terms with an invader of Italy. The ambassador returned with a message of defiance to Pyrrhus, who continued his march until he arrived within eighteen miles of Rome. He met with no encouragement among the Latins, and little among the other allies of Rome, and he encountered a large number of walled towns, which he could not stop to take, which were not rich enough to reward long and costly sieges, but which he could not safely leave behind if he wished to maintain his communications with Tarentum. He therefore returned to Campania, followed by the Romans, who, discouraged by previous defeats, refused to meet him in pitched battle, but watched his movements, surprised his foraging parties, and compelled him to be constantly on his guard. This situation soon became tiresome to his army, and he and they were glad to accept an invitation from the Sicilian Greeks to help them against the Carthaginians. Pyrrhus spent two years in Sicily, without achieving any great result, and in 276 B. C. returned to Italy, where he remained a year, and then crossed over to Epirus, leaving his Tarentine, Lucanian, and Samnite allies to the mercy of the Romans, who, three years afterwards, took Tarentum, and thus established their dominion over all of peninsular Italy.

In the Tarentine war the Roman legions were twice defeated, in pitched battles, by the Macedonian phalanxes; but these defeats were not decisive, nor could they be credited to the superior excellence of the phalanx. The

skill of Pyrrhus as a general, and his possession of elephants, which the Romans then met in battle for the first time, had much influence on both occasions. It has been the general opinion of military authorities that the Macedonian spear was better for meeting an enemy in front, especially on level open ground, but that the Roman javelin and sword were better for the average requirements, which include preparation for attacks in flank, in the rear, in broken ground, and in brush or timber.

SEC. 450. *Hannibal*.—The first difficult war in which Rome engaged after her acquisition of Tarentum was the conquest of Sicily, undertaken under the pretext of protecting the Greeks of that island against the aggressions of Carthage. This first Punic war, as it was called (*Punica* being the Latin for Carthaginian or Phœnician), lasted twenty-three years, from 264 till 241 B. C., and after many victories and defeats on land and sea, for each side, it ended with the triumph of Rome, though she, as well as her enemy, was nearly exhausted by great losses of men and great expenditures of money. For the sake of peace, Carthage consented to withdraw all her troops from Sicily, and pay an indemnity of \$3,500,000, which at that time was considered a very large sum. One result of the war was that Carthage, which had been the most formidable naval power in the Mediterranean, had, after its close, no navy of note; but she retained her pre-eminence in commerce, shipping, and manufactures.

Sardinia was acquired by Rome in 238 B. C. Having been part of the Carthaginian dominion, and held by garrisons of mercenary troops, these, after the close of the first Punic war, revolted, and then, fearing punishment by Carthage, they delivered the fortresses and

cities to Rome, which took them under the pretense that, as they had become independent, their acceptance was not a violation of the treaty of peace. Carthage was not strong enough to punish this perfidy, and therefore submitted quietly to the violation of her rights.

After resting from difficult wars for nineteen years, in 222 B. C. Rome attacked the independent Gallic tribes in the Po-basin, and, having subjugated them, her authority was undisputed in subalpine as well as in peninsular Italy. The vanquished Gauls were not satisfied with the new dominion, and their discontent stimulated the activity of Hannibal, then the commander of the Carthaginian forces in Spain, a young man (born in 247 B. C.), who had made it the purpose of his life to conquer Rome. After a long and difficult march, in the course of which he had to cross the Pyrenees and the Alps, he reached the valley of the Po in October, 218 B. C., with an army of about 26,000 Spaniards and Africans. These were well drilled troops, full of confidence in their general, whose courage, tact, and military genius had become apparent on many occasions. On the bank of the Trebbia, Hannibal was attacked by a Roman army of 40,000 men, whom he defeated, leaving 20,000 dead on the field. This great victory gave him the alliance of all the Gallic tribes in the basin of the Po, a large number of recruits, and comfortable and secure quarters for his soldiers through the winter. When mild weather permitted him to move, he started for the south, with perhaps 40,000 men, and in April, while passing Lake Thrasymene, about ninety miles north of Rome, he attacked a pursuing force of 30,000 Romans, and defeated them, slaughtering 15,000 and capturing one-third as many others. His victory was so complete, and his loss so small, that the Romans

perceived his vast superiority in generalship, and determined to avoid pitched battles as far as possible, and to worry him out by defensive strategy.

Having neither siege artillery nor a body of skillful engineers to construct it, Hannibal did not feel confident of being able to take Rome; and, besides, he thought the better policy for him would be to present himself to the allied states and gain them to his side. He therefore continued his southward course until he reached the fertile valleys east of Naples, presenting himself before a number of subject or allied cities, but not one of them opened its gates to him, or showed any disposition to aid the cause of Carthage. The people disliked his Spaniards, Africans, and Gauls, and feared that at some later time any defection from Rome would be punished unmercifully.

SEC. 451. *Cannæ*.—After Hannibal had spent a year in Southern Italy, in June, 216 B. C., the Romans thought that they could venture to give him battle. They had an army of 96,000 men, and he had only 50,000. They were among their friends, and he among his enemies. He was living at their expense, exhausting the patience of their allies, and gradually weakening their military credit. They chose their own ground at Cannæ, and their own time, but he inflicted upon them the greatest defeat in history. He slew 72,000 and captured 20,000 men. All who escaped alive were not sufficient to make up a full legion. Among the dead were eighty senators. Such are the numbers given by Polybius, who is the best authority in regard to this war.

Many distinguished military authorities have expressed the opinion that Hannibal should have marched upon Rome immediately after gaining this victory. The peo-

ple of that city were dismayed. Many of them wanted to sail away with their families and treasures to Greece. They had no army able to take the field, and in years they could not organize one that would confront Hannibal. That general was now admitted to be invincible. No officer and no legion wanted to meet him in the open field. Among the victors many entertained the opinion that the hard fighting of the war had been done; that Rome was now helpless. Maharbal, the Carthaginian commander of the Light Numidian Cavalry, said to Hannibal: "If you will let me lead the horse forthwith, and follow quickly, you shall dine in the capitol in five days." But Hannibal rejected this advice, and his reasons for rejecting it are discoverable only by surmise. He knew that the allies were attached to Rome, which, having had 800,000 men fit for arms before the war, and having lost 150,000 men in battle; and having lost efficient control over 250,000 more—these are vague estimates—could still depend upon the fidelity of 400,000 others, strengthened by hundreds of walled towns. He made a round of the allied states, but could obtain possession of only one important city, Capua, which ranked next to Rome among the Italian cities, in population and wealth. But it did not add much to his military or other resources. The Bruttians and Lucanians declared for him, but they counted for little. He sent word to Carthage of his great victory at Cannæ, and of the necessity of further aid to enable him to take Rome. The aid solicited was promised, but did not reach Italy until after a lapse of nine years. During that period Hannibal sought to drive the Romans into a pitched battle on many different occasions, but without success. He moved about from place to place, plundering the districts faithful to Rome, gaining

many little successes, adding nothing to the strength of his army, and losing more than he gained in public credit and military position. Tarentum, an important seaport, surrendered to him, but he could make little use of it. Neither he nor Carthage nor any of his allies had a fleet able to meet that of the Romans. He was shut in. In 212 B. C., while he was at Tarentum, the Romans laid siege to Capua, and having built a fortification outside of their besieging camp, they defied Hannibal. He marched upon Rome, expecting that the besiegers would follow him, but they stayed where they were. He went within bowshot of the walls of the Eternal City, and gave its citizens a good scare, but could do no harm to them, and was compelled to withdraw, while he left Capua to its cruel fate. All its men who had been prominent by wealth, or office, or had rendered military service against Rome, were beheaded or starved to death in prison; their wives and children were sold into slavery; and the obscure and peaceful multitude were despoiled of what little property they had, and allowed to seek homes elsewhere, under penalty of death, if they should return to Capua. The city sank into an insignificance from which it has never recovered.

SEC. 452. *Zama*.—It was not until 207 B. C., nine years after the battle of Cannæ, that a second Carthaginian army, numbering about 50,000 men, mostly Spaniards and Africans, after crossing the Pyrenees and the Alps, made their appearance in the valley of the Po, under Hasdrubal, brother of Hannibal. Unfortunately for him, Hannibal was not there to meet him, and, having been treacherously led into a disadvantageous position near the Metaurus River, his army was cut to pieces and he was slain.

After this disaster Hannibal had no hope of further

aid from his native city. She had lost her hold on Spain, she had no fleet, and she had no general to spare; and yet the Romans did not dare to meet Hannibal in the field. While near him they never felt safe unless they were behind fortifications. They could not do much injury to him, and they would not give him a chance to reach them. Three years after the death of Hasdrubal, in 204 B. C., they carried the war into Africa, by sending an invading army under Scipio to ravage the dominions of Carthage. That city, unlike Rome, had no multitude of walled towns filled with loyal citizens or allies trained to the use of arms; and she was unable to offer any effective resistance to the Roman invasion. Her only army and her only great general were in Italy. She was anxious for peace, and so was Rome, and a treaty was signed. In accordance with its provisions Hannibal and his army, or part of it, sailed from Italy, while Scipio and his army remained in Africa.

When their great enemy had withdrawn from their peninsula, the Romans felt secure, and their senate then refused to ratify the treaty. It is probable that many of the mercenaries who had served in the Carthaginian army in Italy remained there, and that Hannibal had to depend to a large extent on raw recruits at Zama, where he was disastrously defeated. The military situation of Carthage was hopeless. She had no army, no navy, no walled towns, no large territory from which she could draw supplies. She might, however, have made a prolonged resistance. She had a great general, great wealth, an extensive commerce, great industrial skill, abundant supplies of metal, timber, and other materials useful in warfare, strong fortifications, and a large number of energetic and brave people.

She was saved from destruction at this time, not by these resources, but by discord among her enemies. Scipio was unpopular in the senate. He had gone to Africa against the wish of that body. After his victory at Zama, the majority of the senators showed their purpose of taking the command from him, and thus depriving him of the main credit of conquering Carthage and closing the war. If some other man should get the army which he had accustomed to victory, and should take Carthage, and dictate the terms of peace, the victor of Zama would occupy a subordinate position. Scipio saw that to defeat his enemies in Italy he must make peace with Carthage. He made it, and with more regard to his own interests than to the habitual policy of his country, he granted the most generous terms ever given by Rome to a vanquished foe. He required Carthage to pay \$10,000,000 of war indemnity; to give up all her war ships save ten; to surrender all her elephants (these were regarded as valuable for war); to undertake no war without the permission of Rome; and to give a hundred young men of the leading noble families as hostages. He allowed her to retain her great general, her merchant ships, her own city government, and her dominion over those provinces which she had not taken from Numidia.

The senate disliked the treaty because it made Scipio the most influential man in their city, and because it saved Carthage from plunder and destruction; and they would have rejected it, if they had dared, but the people would not consent that Scipio, their idol, should be insulted and degraded. Under popular compulsion the senate ratified the treaty, and gave the most glorious triumph in the history of their city to Scipio.

SEC. 453. *After Zama.*—Among the results of Han-

nibal's war were the final exclusion of Carthage as a national power from Europe, and its ruin as a great military power; the elevation of Rome to unquestionable preponderance in the basin of the Mediterranean; the destruction of numerous influences in Italy hostile to Roman dominion; and much progress towards the consolidation of the Italians into one people. All those natives of the Po-basin, Etruria, Samnium, Campania, Bruttia, or Lucania, who, under the encouragement of Carthaginian victories, had joined the party of Hannibal, were either slain or sold into slavery; and when the war was at an end, the Roman power in Italy was far more secure than ever before. These results of the Hannibalic war contributed greatly to the foundation of the durable and extensive empire, homogeneous in general culture, civil law, and administrative institutions, and through many of its provinces, homogeneous also in its language and ecclesiastical system.

Carthage could not have built up a solid empire as Rome did. By her Semitic blood she was much farther than her rival from the Latins, Greeks, and Gauls. She might have established her authority over them, but it would have been brief; her government might have been relatively generous, but it would not have been thorough. Having no system of military colonies, and no considerable body of soldiers save mercenary aliens of mixed race, she could not assimilate foreign provinces. For the development of culture among Aryans, who occupied nearly all Europe, it was important that the dominion over the most advanced portions of their continent should be held by someone of their own nationalities. Far better for them was Aryan Rome than Semitic Carthage.

In the first Punic war Rome had taken most of Sic-

ily from the Carthaginians, but had allowed her ally, Hiero II., the Greek despot of Syracuse, to retain his dominion. He died in 215 B. C., leaving no heir competent to rule, and several revolutions, military rather than political in character, followed, ending in one that gave the citadel and afterwards the city to the Carthaginians. The Romans, at a time when they were unable to drive Hannibal out of Italy, sent an army to Sicily, and, after a siege of two years, took Syracuse. Although the people of that city had not invited the Carthaginians into their citadel, and had not willingly allowed them to occupy the fortifications, and were not responsible for the conduct of the garrison, the Roman commander gave up the city to be sacked by his soldiery. It was treated with the greatest cruelty, and never recovered its previous splendor.

Spain was conquered because, if it were left in the possession of Carthage, it might supply other armies as formidable as that with which Hannibal invaded Italy. Soon after he had crossed the Alps, two legions were sent to the Iberian peninsula, and Roman troops were kept there almost continuously. They were not numerous enough, however, to prevent Hannibal from organizing his army for the march to the valley of the Po. With his departure, the military power of Carthage in Spain was exhausted, and Rome met with no further resistance there of note save from native tribes in the higher mountains.

Rome was now the dominant power on the shores of the Mediterranean. Her chief superiority lay in her army, which in discipline and size was stronger than that of Macedonia, Syria, or Egypt. She also had the strongest navy, or the materials out of which, at brief

notice, the strongest navy could be supplied. She had the largest homogeneous population. The Etruscan, Samnite, Gallic, and Greek tongues and sympathies were rapidly giving way to the Latin speech, and if not to Roman patriotism, at least to zeal for the maintenance of Roman authority. The war with Hannibal had done much to break down provincial distinctions. The districts which had declared themselves in favor of the invader lost many of their inhabitants by enslavement and deportation; and new settlers came in to take the vacant places. In the districts inhabited by loyal allies, new fortifications were erected for occupation by military colonies. An assimilation for which there was no parallel in Greece or Asia made rapid progress in Italy.

SEC. 454. *Macedon*.—Early in the second Punic war, Philip V., of Macedon, made an alliance with Carthage, but sent no military aid to the Carthaginians, even when solicited, after Cannæ, to do so. The surrender of Carthage left Philip exposed to the animosity of the Romans, who never neglected an opportunity to gratify their vengeance. When Capua had fallen and the ultimate failure of Hannibal had become probable, Philip sought and obtained an alliance with the Romans, but their only motive in granting it, as implied by their subsequent conduct, was to be secure from his hostility at a time when he had much power to hurt them, and they had none to injure him. Having made peace in Africa, they turned upon him, and when they had defeated and humiliated him, they allowed him to retain his throne on the conditions that he should reduce his army to five thousand men, and that he should make no aggressive war without the consent of the Roman senate.

Having subjugated Philip, the Romans found their

next victim in Antiochus, king of Syria, who had refused to obey their command to liberate certain Greek cities from his dominion in Asia Minor. They claimed the right to issue orders and dictate terms to every state within reach of their ambassadors. Antiochus refused obedience, and they declared war. They invaded his territory, crushed his army, and then, in 188 B. C., granted him peace, exacting from him most of Asia Minor, \$15,000,000 as war indemnity, the reduction of his navy to ten ships, and the restriction of the use of those within certain geographical limits. Most of the territory in Asia Minor taken from him was given to Attalus, king of Pergamus, who had aided Rome in the war, and besides was considered incapable of becoming a troublesome enemy.

In 171 B. C. the Romans, perhaps for want of sufficient military occupation elsewhere, declared another war against the Macedonian Kingdom, and having conquered it, they divided it into four districts, the inhabitants of each being forbidden to dwell, to trade, to acquire land, or to marry in either of the others. Except along the northern frontier, where they were frequently attacked by semi-savage neighbors, the people were not allowed to possess arms. The mines of silver and gold were closed. All the men who had experience in important military or civil office were deported to Italy. Then the Roman senate gave instructions that each of the four divisions of Macedon should establish and maintain a republican government, and adopted a resolution declaring these republics free. The Romans made the hypocritical pretense that they had undertaken their wars against Macedon, not to gratify their own hatred or greed, but to advance the cause of liberty, "reserving to herself nothing

but the honor of victory.”¹ Having had no experience in republican government, having been deprived of their leading men, and been compelled to put dependents of Rome in office, the Macedonians found their new political system intolerable. They revolted, and were conquered and plundered, and their country was converted into a Roman province.

When the Achæan league, the leading government of Greece, was no longer needed as an ally against Macedon or any other Eastern enemy, the Roman senate, solicited thereto by Sparta, issued an order that the federation should be dissolved. This decree aroused general indignation throughout Greece, and in Corinth provoked a mob which beat some Spartans and killed others who happened to be there. Most of the federated cities refused to give up their league, and the Romans drew the sword. After a disastrous defeat, the Achæans submitted. In punishment for the conduct of its mob, Corinth was destroyed, and its site was condemned to perpetual desolation. The cities of the Achæan league and other Greek states generally were permitted to govern themselves, but were required to pay tribute to Rome, and were forbidden to engage in war.

SEC. 455. *Carthage Destroyed*.—The year 146 B. C. was stained by the destruction of Carthage as well as by that of Corinth. The former city had been subjected to almost continuous insults and substantial wrongs by the Romans during the half century which followed the close of the second Punic war. Scipio's treaty provided that Carthage should give up to Massinissa, king of Numidia, all the territory which it had taken from him or his predecessors, and should not wage war against any ally of Rome. Immediately after the conclusion of

the peace, Massinissa claimed and took possession of a number of provinces, without objection from the Carthaginians. Afterwards, at intervals, and acting presumably under encouragement from the Romans, he seized district after district, under pretense that they had at some time belonged to his predecessors. Carthage applied repeatedly to the Roman senate for protection, and for a definition of the limits of the territory which had belonged to Massinissa, and begged for relief in humble terms. In one of her petitions she said: "It would be better to live as slaves of the Romans than to possess a liberty exposed to the insolence of Massinissa. Nay, utter ruin is preferable to a condition in which we are dependent upon the grace of so cruel a tormentor."¹ But no relief was given. The senate was dissatisfied with the generosity of Scipio's treaty and wanted to enjoy another triumph over the Punic city, which continued to possess great wealth, and a very active trade in the midst of a large region famous for the excellence of its horticulture. This rural prosperity was a reproach to the inferior agricultural condition of Italy. The shipping and the shops of Carthage astonished the Romans, accustomed only to Italian industry. Cato, who visited Carthage in 157 B. C., came back full of fury against the Punic capital. He demanded its destruction, and whenever he spoke in the senate, no matter what the subject under consideration, he ended with the words, "Carthage must be destroyed." At last he persuaded the senate to adopt his policy, and war was declared, using a dispute between Massinissa and Carthage as the pretext. The Carthaginians offered to submit to the decision of Rome in that dispute. The senate sent a message to them "that because they had taken the right resolution, the senate granted them their

liberty, laws, territories, and all their property belonging either to the state or to individuals, provided that they should deliver three hundred hostages of their noblest youth to the consuls at Lilybæum," and further should "obey the commands of the consuls." The Carthaginian senate accepted these terms, notwithstanding the objection that the last condition was so vague that it might conceal some great danger. The most influential senators argued that these commands of the consuls must refer only to minor matters such as the manner in which the hostages should be surrendered and treated; the promise of the protection of life, liberty, and property was plain. The people approved the action of the senate, and the hostages were delivered. Having obtained possession of these, the consuls demanded all the arms and armor. The Carthaginians objected that they needed them for the defense of their lives and property against hostile Numidians. The consuls replied that they would furnish the needed protection. Although the possession of these arms had been promised to them by the Roman senate, the Carthaginians surrendered them, including two thousand catapults, and arms and armor for 200,000 men. When the city had thus given up her weapons, the consuls announced to the Carthaginians that they must move out of their city, which was to be destroyed, and find new homes at least ten miles from the site of Carthage.

This meant the abandonment, not only of their dwellings and workshops, but also of their temples and tombs. It required the surrender not only of most of their wealth, but of their seaport, which, by its advantages for maritime commerce and manufacturing industry, furnished the means of their support. To the majority of the Cartha-

ginians this command left no hope to escape starvation save by migrating not only from the city, but also from the district of Carthage.

For this order of exile against all the people of a great city, issued with so little provocation, planned with so much deliberate malignity and executed with so much perfidy, there is no parallel in history. The Carthaginians knew that there was no probability of success in resistance, but they could have no respect for themselves in submission. Almost unanimously they decided to resist. Having to choose between the danger of starvation in peace and that of slaughter in war, they preferred the latter. Though disarmed, they were numerous, rich, and courageous; and, besides, they had good walls. They demanded leave to send another appeal for mercy to Rome, and devoted all their energies to the manufacture of arms, armor, and machines of war. They built war ships, equipped armies, and for three years in the third Punic war beat off the besieging Romans. But at last Carthage fell, and as Punic Carthage it ceased to exist. Of its 700,000 inhabitants, 650,000 died by starvation, disease, or the sword in the siege; the surviving 50,000 were sold as slaves; the city was utterly destroyed, and a law of Rome forbade any person to make his residence there. The malice of the Roman senate had here obtained its highest gratification.

SEC. 456. *Pergamus*.—Thirteen years after the destruction of Carthage, a document purporting to be the will of King Attalus II., of Pergamus, was submitted to and accepted by the senate. It bequeathed to the Roman people his kingdom, which included a large part of Asia Minor. While living, Attalus had made no public announcement of a purpose to dispose of his realm in

this way, nor had he done anything indicative of an intention to deprive his heirs of their regal inheritance or his subjects of their national independence. All classes of his people, rich as well as poor, knew the evil repute of Roman provincial administration, and looked forward with sad forebodings to the time when it should be established in their country. The Roman traders resident in the kingdom, and the small class of natives who looked to the Romans for their profits, and for opportunities to plunder their richer neighbors, ardently desired that Pergamus should become a Roman province; and we may reasonably presume that by some of these, the document produced as the will of Attalus II. was forged. After the senate had declared the will to be genuine, and had accepted its bequest, the people of Pergamus understood that they must submit, and so they did. They had neither an able monarch to lead them in war, nor a large, well disciplined army, nor a well consolidated nationality, nor a powerful ally ready to protect them. Though resistance was hopeless, it was, nevertheless, made by several small popular outbreaks which were easily suppressed, and Asia Minor became a province of Rome.

The destruction of Carthage and the reduction of Macedon, Epirus, Greece, and part of Asia Minor to provincial subjection, made an important change in the position of Rome. Although more than a match for any one enemy, she was previously in danger from a combination of several. Pyrrhus and Hannibal had each brought her into imminent peril, and if the former had been aided with all her means by Carthage, or the latter by Macedon, Rome would have been crushed. After the second Punic war, Carthage still had large revenues, in

addition to her remarkable enterprise and organizing genius. Macedon, Asia Minor, and Egypt also were wealthy. The Numidian and Thessalian cavalry were of unsurpassed excellence. Greece, Epirus, and Macedon had military talent and considerable bodies of well drilled troops or of men whose martial spirit and hereditary feelings fitted them to become formidable after a little training. Greece, Carthage, and Asia Minor had good sailors and numerous ships, which might have had great influence upon the fate of Rome. All these nations were within convenient reach of one another, and being intimately connected by commercial relations might have formed an irresistible combination against the enemy that was to overwhelm them separately.

But after the close of the third Punic war, there was no serious danger from these nations. Egypt and Numidia had neither organizing talent nor good infantry; and infantry was the main dependence in ancient as well as in modern warfare. With her provinces, Rome had most of the seacoast, ships, and wealth in the basin of the Mediterranean. She could feel secure against any known enemy or any probable combination of enemies in Africa, Asia, or eastern Europe. The only formidable foreign foe was Gaul, which had remained quiet since the victories of Marius.

SEC. 457. *T. Gracchus*.—The Romans were a fighting and conquering people. In the middle of the IInd century B. C. plunder taken in war was, directly and indirectly, the chief source of their public and private wealth. They had few manufactures. They were not eminent merchants. Most of the ships trading on their ports were owned and manned by their Greek subjects. Pasturage was encroaching on their tillage. Their free

laborers and their middle class were decreasing; and their slaves were rapidly increasing.

In 133 B. C. Tiberius Gracchus, a grandson of the second Scipio, and, although only thirty years of age, already eminent as a soldier and orator, became one of the tribunes of the people. He seems to have been the first person who perceived that the tribunitian office in the hands of a man who could control the plebeians might be a position of predominant influence in the city. He had all the qualities needed for the acquisition and maintenance of that control. In the combination of fluency of speech, with plausibility, courage, readiness to express the prejudices and excite the passions of the mob, and skill in the partisan tricks needed for the management of an ignorant and violent multitude, Tiberius Gracchus has had few superiors in the history of the world. That he had abundant reason to complain of the senatorial government is unquestionable; but the mob which he proposed to make the dominant power in the state was far less competent to rule than the senate.

We have no means of ascertaining with certainty the main purpose of Tiberius Gracchus. He was cut off at the beginning of his political career, very soon after he had shown his capacity and his ambition to lead the plebeians. But we can see clearly what the end of his career would have been if he had continued to wield his influence over the people for ten years or more, and if he had carried, to its logical results, the policy with which he commenced. He would have founded a despotism on the ruins of a republic that had become anarchical and had outlived its usefulness.

He submitted to the people a bill to re-enact and enforce the general principles of the Licinian agrarian law;

to limit the amount of public land that any one individual could hold to three hundred and thirty acres; to take the surplus for state purposes; to create a commission of three persons to be elected by the tribal assembly, with authority to determine finally the limits of the public lands and to designate the tracts to be allotted, and the recipient of each. The bill provided that the tracts distributed should be inalienable; and that the grantee should derive no profit from the land except while he made his home upon it.

Having prepared his bill and posted it up where it could be read, he called numerous public meetings, which he addressed about the oppression inflicted on the plebeians by the patricians, and the benefits that would result from the adoption of his bill. His speeches aroused the rabble. They gathered to hear him; they applauded him; they followed him in crowds. In one of his speeches he said: "The wild beasts of Italy have their caves and lairs, but to the men who fight and bleed for Italy nothing remains except the open air and the light of heaven. Bereft of home and shelter, they wander about with their wives and families. It is mere mockery and delusion in a general to exhort his warriors before a battle by bidding them fight for the graves of their ancestors and for their household altars, for not one of them owns an altar bequeathed him by his father, nor the ground where his fathers are laid. They fight and fall, that others may enjoy affluence and luxury; they are called lords of the earth, and have not a single clod which is called their own."¹

When the time came for taking the vote on the tribes, Octavius, one of the tribunes of the people, stepped forward and interposed his veto. Gracchus called upon the

tribes to meet the next day, when he would again submit his bill to consideration. On the second day, the proceedings were similar to those of the first, except that after the veto by Octavius, Gracchus announced that on the morrow he would move to depose Octavius from the tribunitian office if he should persist in his obstructive policy.

On the third day Octavius again interposed his veto, and Gracchus proposed that Octavius should be expelled from his office. Eighteen tribes, the only ones counted, all voted for the proposition. Then Gracchus submitted his bill to the vote and it was adopted. The commissioners elected under the bill were Tiberius Gracchus, his father-in-law, Appius Claudius, and his brother, Caius Gracchus, then only twenty-one years old. The selection of all the commissioners from one family, and that one the family of the author of the bill, indicates that the measure had no supporters among the influential citizens generally.

For the completion of its task the commission would require years. But there was a possibility that the law would be repealed. The senate was bitterly opposed to the scheme and its author. If he were to go off as commissioner into the provinces, there would be no one in the city able to lead the multitude. If he wanted to prevent repeal, he must stay in the capital, and he must be tribune. He announced himself a candidate for a second term.

He gave notice also that he would submit to the people a bill for the government of Pergamus, and another for the transfer of the treasures of Attalus to his commission for division among the grantees of homestead tracts under his agrarian law, for the purpose of enabling

them to build houses and buy cattle. These treasures had recently come into the possession of the republic under the will (probably a forgery) of Attalus, king of Pergamus. Another project of which Gracchus spoke was that of conferring full Roman citizenship on many of the allies.

The measures carried and the others proposed by Tiberius Gracchus were unmistakably revolutionary. Considered together, they indicated a purpose to completely subvert the government. The expulsion of Octavius from the tribuneship violated the well established constitutional principle that an officer could not be called to account during his official term for any, even for an unquestionable, abuse of power. But in this case there had been no abuse; at the worst it was an error of judgment, and perhaps it was sound statesmanship. Not only was the person of the tribune inviolable, but his office was sacred. If his authority could be destroyed legally, at an hour's notice, by an excited mob, and if the man who had led the mob in its destruction was to be encouraged in his course, the consuls and the senate were not secure.

The demand of Tiberius Gracchus for immediate reelection violated the rule of sound policy that after the close of his term the executive officer should be in a position to be held responsible for any misconduct in his official capacity; and therefore that he ought not to be elected to the same office or to any other, until after the lapse of a year.

The plans of Gracchus in reference to the treasures and government of Pergamus were contrary to those provisions of the constitution giving to the senate exclusive control over the finances and foreign policy of the

republic. The immediate re-election to the tribuneship demanded by him would have established a precedent that would enable him to secure office for life. The excuses for a second term would be equally good for a third, fourth, fifth, and so on. The labors of his commission might be prolonged for many years. His law and his policy might need his support in the tribunitian office until he should be an old man.

By his oratorical powers and political management he organized the rabble, rendered them active, and elevated them until they became the main source of political authority and law. They were his only support, and he was the only person then competent to lead them. He and they went into partnership to overthrow the aristocracy. He had ruled and he intended to rule without the senate. Having commenced with that policy, he must go on in the same course. Nobody understood better than he did that the Roman populace were grossly unfit to take charge of the government of a great empire, and while using them he must have despised them. With such understanding and feeling he doubtless aspired to establish, not a democracy, but a despotism, with himself as master.

He changed the character of the tribuneship. He transformed it from a defensive into an offensive institution. From an office for the protection of the commoners, he developed it into a device for controlling all classes of the population and all departments of the state. He showed how it could be used to supersede the consulship in all matters of domestic administration; and how, in alliance with the rabble, it could reduce the senate to insignificance.

But while the rabble applauded Gracchus, and served

as his escort, and voted for his measures, many were not entirely pleased with him. All classes disliked his project of extending the citizenship. Such concessions had been made in previous generations, probably only under the pressure of great danger; but there was no apparent necessity for such a measure now. A rabble dislikes the man who proposes to deprive them of a legal advantage, even if grossly unfair, especially if over those who are their superiors in intelligence, manners, and industry; and such a relation existed between the mob and the allies of Rome.

The majority of the poor commoners disliked the clause in the agrarian law forbidding alienation. Unwilling to till the soil or to live far from the city, they wanted grants which they could sell. They voted for the law, but would have amended it if they could, and doubtless hoped that it would be amended by a later enactment. But the chief objection to the course of Gracchus that must have presented itself to the more prudent men in the community, whether poor or rich, was doubtless the knowledge that he could not overthrow the constitution without civil war. The senators were not men who would consent quietly to be deprived of their political power. Some of them might be indifferent to the possession of office, but nearly all would fight to the last before submitting to either mob or despot. All the nobles, and all the rich men who, under the protection of the senators, shared in the plunder of the provinces, who hoped that their children would become nobles, and who feared the disorder and danger that accompanied civil war, were against him.

The senate could not check the revolutionary measures of Gracchus by constitutional means. It could not adopt

a bill or a resolution without his consent. It was powerless against him, while, by his veto, he could paralyze its action. Since the expulsion of Octavius, no tribune dared to resist the master of the mob. The nobility had to choose between submission and violence, and they chose the latter. On the day of the election for tribune, they raised a riot and slew Gracchus, with three hundred of his adherents.

This murder was neither punished nor made the subject of any serious governmental inquiry. The mob which had followed him did not find, and perhaps did not seek, a successor who would take up his plans. His agrarian law was not repealed, nor was it enforced. The two surviving commissioners did nothing to distribute, divide, or designate the public lands. The treasure and government of Pergamus were left to the senate, and no allies were admitted to citizenship in that generation.

SEC. 458. *C. Gracchus*.—Eleven years after the murder of Tiberius Gracchus, his brother Caius, then thirty-two years old, became tribune. In oratory, ambition, talents, courage, fertility of expedients, and all the faculties needed for the successful demagogue, he was the equal of Tiberius. He pursued the same policy with greater success. He profited by the experience of his brother. He began his official career by submitting to the tribes a series of measures, including one providing for a division of the public lands in small tracts to citizen applicants. Most of the clauses of this bill were copied from the obsolete law of his brother, but there were additional provisions, intended to make the measure more definite in acknowledgment of the rights of persons in possession, and also more precise in regard to various points of ad-

ministration. A second bill provided that every citizen should be allowed to purchase a certain quantity of grain from the public stores at about half the market price. A third bill provided that the juries in important criminal cases, especially those relating to abuses in office, should be made up, not from senators, as had been the law, but from the knights, or men of wealth not of senatorial rank. The exclusive right of the senators to sit as jurymen had added vastly to their power in the community; and the importance attached to it implies that it was frequently used corruptly. An honest exercise of a jurymen's duty would not have made the position very desirable. The main object of this measure was either to weaken the senate or to obtain a class of jurymen less subject than the senators to corrupt influences. A fourth bill required the senate to divide the provincial jurisdictions between the consuls, before the consular election. By waiting until after the election, as had been the custom, the senate could practice favoritism, which could not be done so well if the provinces were previously assigned to the senior and junior consul, the senior being the one who had the most votes, or who drew the first position in the lot. A fifth bill transferred the construction and supervision of the public roads from the censors to the tribunes.

All these bills were adopted by the tribes. Like his brother, Caius was an effective orator; like his brother, he organized the mob, and with its aid became the master of Rome. By giving the juries to the knights, he gained their aid, and thus had the encouragement of a majority of the wealthy men. He managed to work harmoniously with his tribunitian colleagues. He did not threaten to take the control of the financial or of foreign affairs from

the senate. He did not propose to divide the public coin among the plebeians. Thus he avoided some of the mistakes of his brother. Though not a candidate for re-election as tribune, he was re-elected. There were ten places to be filled, and not ten candidates, and the people, using their privilege in such a case to give their votes to any person, gave the office to Gracchus in such a manner that his enemies could not find fault with him.

As Tiberius had been the head of his agrarian commission, so was Caius, and as commissioner he had to spend much time away from Rome. The manner in which he and his colleagues performed their duties gave much dissatisfaction, and he repeated the mistake of Tiberius in declaring himself in favor of admitting the allies to citizenship, before he was in a position to carry the proposition. He schemed to be elected tribune for a third term, but was defeated, and was then accused of misconduct in office as agrarian commissioner. On the day set for his trial, he armed himself and many of his followers for the purpose of resisting the officers of the law. The result was that he and two thousand of his partisans were slain. After the death of Caius, as after that of Tiberius Gracchus, there was no judicial investigation of the facts of the massacre. Neither was there any further enforcement of his agrarian law. In 118 B.C. a bill was adopted to prevent any further agrarian agitations like those started by the Gracchus brothers. The state gave perpetual titles of the public lands to the people in possession, subject to the payment of certain rents to the treasury.

SEC. 459. *Marius*.—After the revolution which ended with the death of Caius Gracchus, the next event of much importance in the history of Rome was the con-

quest of Numidia. For year after year the king of that country, Jugurtha, succeeded in defeating the Roman armies, or preventing them from gaining any notable triumph over him. Having visited the Eternal City and learned the venality of the patricians, he used his knowledge and his money with so much skill that several campaigns had passed without endangering his throne or reducing his power. The bribery was so notorious, and the popular discontent so great, that the senate was compelled to appoint a commission, which tried and executed two consuls, one ex-consul, and several other senators. The command was given to Q. Metellus, a respectable man with little military capacity. He took Caius Marius, an experienced and able plebeian soldier, then fifty years old, as his chief subordinate officer, and with his aid made four creditable campaigns, but did not succeed in crushing Jugurtha. In 105 B. C. Marius, with the contemptuous consent of Metellus, went to Rome to be a candidate for the consulship. By his manners, by his high reputation among the soldiers, by the hostility of the senators to him on account of his plebeian blood, and by his promises and his complaints, he gained great popularity among the multitude, who could always elect their favorite when they were aroused and unanimous as they were on this occasion. The main promise of Marius, that if he were elected he would send Jugurtha dead or alive to Rome within a year, was rash, because the desert south of Numidia offered a secure refuge to its king after he should find himself unable to resist the armies of Rome.

Marius was elected, and then the senate adopted a resolution that Metellus, as proconsul, should continue in command till the end of the war. This was an insult to

Marius, and to the people who had elected him to take charge of the campaign. The tribal assembly ordered that the command should be given to Marius, and the senate and Metellus had to submit. Marius returned to Africa, and with the help of his quæstor, Cornelius Sulla, he was enabled to capture Jugurtha and deliver him in Rome within the year. His popularity was so great, and just then the need of an able general in Gaul was so urgent, that, contrary to the established rule, before the end of his first term, he was re-elected consul.

For ten years Italy had been threatened with invasion by a large community of barbarians, probably a combination of Gallic and Teutonic tribes, who, after ravaging southern Gaul, declared their intention of making their homes south of the Alps. At various times between 113 and 104 B. C., they had defeated the Roman armies with great loss, which, in one battle, according to report, amounted to 120,000 men. In 103 B. C., when these barbarians were about to enter Italy by two different routes, one crossing the Alps from the west, and the other from the north, Marius and his consular colleague, Catulus, each at the head of an army, went to meet the invaders. Marius encountered the Teutons near Aix, in southern France, and exterminated them. He then led his army to the valley of the Po, where the Cimbrians were advancing upon Catulus. These barbarians were exterminated, as their friends had been at Aix, and the apprehensions that had oppressed Rome for years were at an end. The Teutons were cured for centuries of the longing to invade Italy. Marius was recognized as the savior of the republic. He was the most influential man that had appeared in republican Rome. He was as popular with the multitude as either of the Gracchus brothers

had been, and he had succeeded in conciliating many of the senators. Without any military necessity, for after aiding to defeat the Cimbrians he made no campaign against foreign enemies, he was elected, without intermission, to his third, fourth, fifth, and sixth years of consulship. But he was not competent to fulfill the political duties of his office with much credit, and his popularity declined. In the sixth year of his consulate he made a great mistake in giving his support to a base demagogue, Saturninus, who caused the tribal assembly to adopt an agrarian bill with a clause requiring the senators and consuls to take oath that they would observe it. All took the oath save Q. Metellus, who had been commanding consul in the war against Jugurtha. He went into exile. Saturninus induced the tribes to order that citizens should receive grain at the rate of five cents a bushel from the public stores in Rome; and at the consular election in 100 B. C., for the purpose of securing the success of a partisan friend, he brought on a riot, broke up the centuriate assembly, and, with some of his adherents, seized the capitol. The senate ordered the consuls to subdue the insurgents, and when Marius proceeded against them, they surrendered to him, expecting that, as their friend, he would save them. He shut them up, intending to keep them for trial; but partisans of the senate mounted the roof of the building used as a prison, tore off the tiles, and with them slew the prisoners. Marius was unable to prevent or to punish this outrage. He had given great offense to both parties, and he retired in disgrace from his sixth consulate. It was doubtless partly for the purpose of showing their dissatisfaction with him that the tribal assembly voted unanimously to recall from exile Q. Metellus, his political enemy. Marius

was much offended, and several years later his anger bore bitter fruit.

SEC. 460. *The Allies*.—After the war with the Gauls and Cimbrians, the next great struggle of Rome was with that class of her Italian subjects known as the allies, who occupied a large part of central Italy.

The Roman citizen had the exclusive rights of voting and holding office in the capital, of being exempt from corporal punishment, of appealing to the popular assembly from any sentence affecting his life or citizenship, of owning land and trading anywhere under the dominion of the state, of marrying a resident of any part of the state, of transmitting citizenship to his children by a legitimate wife, and of exemption from land tax levied by allied or provincial authorities.

All the freemen of the old stock of residents within definite bounds, which were enlarged on many different occasions, were Roman citizens. These boundary lines were not necessarily continuous, but might inclose separate districts. Outside of the territory which might be called Roman in the narrower sense, in allied or provincial countries, many Roman citizens made their permanent homes, and transmitted their citizenship to their children.

Next in political rank to the Roman citizens were the Latins, who had the rights of enacting their local laws, electing their local officials, coining money, and of being exempt from the jurisdiction of Roman magistrates in all affairs not of an imperial character. It is supposed that they could also settle, trade, hold land, and marry anywhere under the Roman dominion. Besides, the Latin could acquire Roman citizenship by holding a magistracy in his native town; by residing in Rome

while he left a son in his native town; by building a dwelling or a bakery in Rome, and residing there; by constructing a large ship; and by various other public services.¹ The policy of the senate was to divide the subject peoples into many classes, each possessing different privileges. Thus the Latins were divided. The people of one Latin town had higher rights in Rome than those of another town not ten miles away. Some of the Latins had all the privileges of Roman citizens except those of voting and holding office.

After the Latins were the allies, who occupied most of Italy. As a matter of favor they were allowed to enact and to administer their local laws, but they were not secure against the interference of the Roman authorities. They were divided into allied states, or districts; and the resident of one could not trade, hold land, marry, or settle outside of it. He could not become a trader in the provinces (out of Italy), and was thus cut off from many opportunities of profit. But he was required to serve in the army, and to contribute to its maintenance. He had one advantage over the provincial; the latter could not serve in the Roman army or possess arms.

SEC. 461. *Social War*.—In the midst of the second Punic war a motion had been made in the senate that those allies who had remained faithful to Rome, and had enabled her to maintain herself against Hannibal, should be admitted to the franchise. The mover was induced to withdraw his proposition, and the senators agreed to conceal the fact that the idea had been considered by them officially. Fears were entertained that the allies would be provoked to join Hannibal by knowing that the senate had refused to recognize their rights.

While the state had much to gain and nothing to lose

by extending its franchise to the allies, who furnished many of the best soldiers in the Roman armies, and in general intelligence and character were decidedly superior to the rabble of the capital, politicians perceived that he who could secure their admission to citizenship, would have the gratitude and support of a very large and influential body of new voters. Statesmen were induced by considerations of the public welfare, and demagogues by those of private interest, to become advocates of the rights of the allies. The majority of the senate and the rabble were bitterly opposed to the extension of the franchise.¹

Tiberius Gracchus and Caius Gracchus had both proposed to confer full citizenship on the allies, and both were murdered; but each had urged several measures very offensive to a large majority of the senators. Scipio Æmilianus, the destroyer of Carthage, who had approved the murder of Tiberius Gracchus, in 129 B. C. gave notice that he would deliver a public address in favor of giving the franchise to the allies, and he was murdered before he fulfilled his promises. Livius Drusus, tribune, submitted to the tribal assembly a number of bills, including one to admit the allies to citizenship, and his agitation was stopped by assassination.

Though the allies outnumbered the Romans and furnished more soldiers, and in that way contributed more than the Romans themselves to the Roman victories, yet, in many respects, they were treated unfairly. They got less pay and less booty. They usually had the less comfortable positions in camp and the more dangerous stations in battle. They had no representative in the highest command; no voice in the selection of the commander. They were not allowed to participate in the de-

cision of questions of war and peace. Their lives and property did not receive the same protection given to the Romans. In civil, political, and military relations they were of an inferior rank, and were exposed to daily insults as inferiors. Offenses which were usually overlooked in Roman soldiers were severely punished when committed by allies. Even commanders, who desired to be just, felt under compulsion to favor those whose political influence might control elections in which they and their relatives would be candidates. Even in his own town in time of peace the ally was not secure against the brutality of the Roman.

A Roman consul and his wife having arrived in the allied town of Teanum Sidicinum, the latter expressed a wish to use the public bathhouse, which was occupied at the time by a number of male bathers; and the consul requested or commanded the presiding magistrate of the place to order the men to leave the establishment. This order was not obeyed so promptly as the consul desired, and the local magistrate was publicly scourged for his failure to secure prompt compliance with the consul's wishes. The consul was never called to account in Rome for his crime.

A young Roman noble, while being carried through Venusia in a litter, offended at a jest made by a free peasant about the man who was too lazy to walk, took vengeance by ordering the peasant to be beaten to death. The murderer was not punished. He was a Roman, and the victim was an ally. Such acts of cruelty are numerous in Roman history, and the provincials suffered more than the allies.

In their indignation at their exclusion from Roman citizenship, and at the manner of their exclusion, the

allies organized an alliance. The Samnites, Marsians, Apulians, Lucanians, Pelignians, Marrucinians, and Vestinians sent deputies to a convention, which submitted a statement of their claims to the senate. They said they had furnished two-thirds of the soldiers in the armies of Rome and had conquered the world for her, and they had a right to full citizenship. The senate refused to make any promise to them. The allies saw that they could get nothing by peaceful means, so they resorted to arms. They were known as the allies, (*socii*) of Rome, and their war is sometimes called the Social war.

They established a federated government with their capital in Corfinum, a town about eighty miles east of Rome, and called it Italia. To their federated state they gave the name of Italia; they organized a senate of three hundred members; and they appointed consuls and prætors. Their government seems to have been a close imitation of that of Rome. They organized large bodies of troops, and acted with the energy of experienced soldiers. They defeated several Roman armies, and frightened the senate, which passed a bill to grant full citizenship to those allies who had remained faithful or had returned to their allegiance. This measure, having been adopted, was received with much favor in those towns which had not declared themselves; and after a few months it was followed by another, granting citizenship to allies, whether of Italian or other blood, residing in Italy, who, within sixty days, should register oaths of fidelity in the office of a Roman prætor. In 89 B. C. the generals of Rome were victorious in nearly all their battles, and before the end of the year the rebellion had collapsed. In the two campaigns 300,000 men, including those who fell on both sides, were slain.

SEC. 462. *Sulla*.—In 88 B. C. Cornelius Sulla, who had been the chief lieutenant of Marius in the Numidian war, and had gained much reputation in the campaigns against the Teutons, Cimbrians, and rebel allies, was elected consul. By the senate he was assigned to the command of the army of Mithradates, who had declared war against Rome, slaughtered all the Romans in Asia Minor, taken a large number of Greek mercenaries into his pay, and occupied much of Greece.

This assignment offended Marius, who, after commanding successfully in the war against the rebellious allies, had returned to Rome and regained much of his popularity. He thought that he was entitled to the command in Asia, and to the profits and honors that would easily be reaped there. He appealed to the tribal assembly, which adopted a resolution that he should command in Asia. The base trick by which the patricians attempted to deprive consul Marius of his command in Numidia was now repeated by the plebeians to deprive consul Sulla of his command in Asia. In both cases it failed. Sulla, in Rome at the time, made all haste to southern Italy, where his army was stationed. He explained to them what had been done; how he, after being chosen consul, was to be deprived of the province assigned to him by the senate; and how, if he did not go to Asia, they would get no share in the spoils of Mithradates. They understood the last point. Marius would not select the legions which had served under Sulla. They had great faith in Sulla; they had looked forward with confidence and pleasure to the Asiatic expedition, and its booty; and they replied that they were willing to stand by him, even if he wished to return to Rome. That was exactly what he wished. He started immediately with

35,000 men, and he was joined by his consular colleague, Q. Pompeius Rufus. Marius made a little resistance at the city gates, but, having no considerable military force, was easily defeated. He then fled, and Sulla took possession of the city. Under his dictation the senate declared Marius and eleven of his friends outlaws.

Sulla then went with his army to Greece, where he began to fight the armies of Mithradates. He found the task much more difficult than he expected. Mithradates had an abundance of money, of war ships, of fortifications, and of good soldiers; and the Greeks of Asia Minor, as well as the other residents of that region, preferred his rule to that of the Romans. In three years, however, Sulla succeeded in his task, at least so far that he compelled Mithradates to surrender all claim to those portions of Greece and Asia Minor which he had taken from Rome; to deliver seventy ships of war and pay an indemnity of \$2,000,000 in coin to Sulla. These terms were probably much more indulgent to the vanquished monarch than they would have been if Sulla had not been extremely anxious to return to Rome.

Before he left Italy to make war on Mithradates, in 87 B. C., Cornelius Cinna and an insignificant colleague had been elected consuls. Cinna, whose political opinions had not been clearly understood, gave notice of a bill to distribute the new citizens through all the tribes, instead of restricting them as before to a few tribes, in which they could exert little influence in the government.

When the bill was to be submitted to vote, several tribunes announced that they would interpose their veto. Cinna and his adherents threatened death to anyone who should undertake to defeat their measure in that way. Both parties were ready for violence, and a fearful riot

was the result. The dead numbered 10,000, and the senatorial party were victorious. Cinna escaped, and the senate, after declaring his office vacant, appointed an aristocrat to serve as consul in his place.

The senatorial party were hated by the multitude throughout Italy. They had tyrannized over the allied cities and over the provinces. They had treated the majority of the soldiers in the armies of the republic as if they were little better than slaves. They had excluded the Samnites, Marsians, Pelignians, and Marrucinians from citizenship. They had been responsible for the fearful slaughter and devastation of the Social war. And now they insisted upon depriving the new citizens of political influence proportioned to the number of votes.

Cinna fled to southern Italy, where the new citizens were most numerous. He was received with great demonstrations of popular favor. He asked for soldiers, and a multitude were ready to follow him. At the head of an army he returned to the capital. The senators and their dependents were a ferocious mob, but they were not anxious to meet disciplined troops. The gates were opened to Cinna, who was accompanied by Marius, furious against the senators who had declared him an outlaw. He had a band of ruffians, who murdered every man pointed out to them as an enemy of Marius. The man to whom their hero refused to speak in the street was slain at once. The slaughter and other violations of public order were frightful for day after day. For a time Cinna did not interfere; but after the disappearance of all the enemies whom Marius had denounced, Sertorius, with the approval of the consul, started out with his troops, and cut down all the marauders, several thousand in number. Then a semblance of order was restored. In January

86 B. C. the time came round for a consular election, but none was held. Cinna and Marius simply usurped the office, the latter now holding it for the seventh time. He had held it only two weeks when a natural death overtook him in his bed.

Without any known protest by the senate or popular assembly, Cinna, and his colleague, Carbo, declared themselves consuls in 85 and again in 84 B. C. In the latter year, after having been despot of Rome for three consular terms, Cinna was slain by some mutinous soldiers. In 83 B. C., when it was known that the conqueror of Mithradates was about to return with his army, determined, as he publicly declared, to take vengeance on his enemies, the leaders of the Marian party considered it advisable to hold an election for consuls. They chose two men of little note.

In the summer of that year Sulla arrived in Italy. Although he had announced that he would not interfere with "the rights of citizens new or old," he was regarded as the enemy of the newly enfranchised citizens, who looked upon the Marian party as their benefactors and friends. The consuls therefore obtained numerous recruits from Samnium, Apulia, Campania, Lucania, and other Italian districts recently admitted to Roman citizenship, and Sulla had a difficult task before him. The war resembled that against the rebellious allies six years previously. The Samnites did not lose their hereditary feelings. Though Roman citizens, they still hated Rome. An army of them, while opposing Sulla, attempted to seize the city, and their avowed purpose was to "destroy the lair of the wolves." If they had succeeded in getting possession, they might have taken vengeance for the ruthlessness with which their country had been treated.

But when Sulla found that they had started in the direction of the capital, he understood their purpose, and followed in all haste. The Samnites had already commenced to assault the gates before Sulla arrived. He ordered an immediate attack on both detachments of the Marian army, one on each side of the city. Sulla himself was opposed to the Samnites, and when darkness came, he was defeated. He had prepared to sell his life the next morning as dearly as possible, when he received news at night from his colleague, Crassus, that the Marian army on the other side of the city was routed. He then managed to escape from his uncomfortable position before dawn, and join Crassus; and when daylight arrived, the united forces attacked the Samnites and overwhelmed them. The dead of the two days numbered 50,000, exclusive of six thousand Samnites, whom Sulla captured, and massacred the same day in the Flaminian circus, soon after he entered the city.

SEC. 463. *Sulla's Laws*.—Sulla undertook to reform the government. Having the power, he used it energetically. His soldiers were ready to sustain him, and with their aid he was irresistible. They were not attached to the patrician party by their political opinions; their feelings and their family relationships drew them towards the plebeian party; but the time had passed when the Roman soldiers generally cared for any allegiance save that of the leader who gave them victory and booty. Sulla was the invincible general, and him his troops would obey in all things.

His remedy for the political evils of Rome had two parts; first, was a comprehensive reform of the constitution, and, second, was the slaughter of those men who would do their utmost to defeat the reform. He began

with the second part of his programme. He made out and published lists of all those persons whom he considered dangerous enemies of himself or of the senatorial party. He condemned them to death, and for the murder of each, he offered a reward of two thousand dollars, in addition to a share of the victim's property. The reward was to be paid to any murderer, even if slave, brother, son, or parent of the proscribed person. Everyone who sheltered a proscribed person was proscribed. List succeeded list. Those who wished to gain favor with Sulla called his attention to enemies whom he had overlooked, or of whose hostility he had not been informed. False charges were made so that the accusers could murder the accused, either to gratify hatred or to obtain the reward.

Having dispatched the dangerous class, he turned his attention to constitutional reform. He ordered the centuriate assembly to elect him dictator for life, and it obeyed. Having been thus clothed with absolute power, he issued a series of decrees. He confirmed his proscription list and his confiscation act. He excluded the descendants of the proscribed from citizenship, and confiscated their property. He distributed the land of numerous disaffected towns among 150,000 soldiers who had served under him.

Sulla was master of the city after it had been under the control of his personal enemies for four years, and after a period of fifty years, in which it had frequently allowed its brutal rabble to dictate the conduct of public affairs—fifty years of impotent law and intermittent civil war. This rabble, established in their dominant power by time and custom, could not be dethroned without radical changes in the constitution; and it was for the

purpose of securing the permanence of his projected reforms, that he had exterminated all those who had been active and influential leaders of the anarchical party.

He reorganized the legislative department of the government by abolishing the tribal assembly and giving to the senate the exclusive authority to originate bills to be submitted to the centuriate assembly for final enactment. The majority of the Roman freemen were a mob so base that they were unfit to have any share in the law-making power; but perhaps the time had not yet come when they could be excluded from it. As Sulla was a man of high political as well as military capacity, we may assume that his course was the best possible under the circumstances. Incomplete as his reform was, it was a great improvement on the previous condition. Under his system, no Gracchus, or Cinna, would again get control of the government.

He increased the number of senators to four hundred and fifty, and filled all the vacancies, taking most of his appointees from the old patrician families, but many also from the rich plebeians. His selections were so judicious that they added greatly to the strength of his reform as well as to his own popularity. He provided that no one should be consul until he had been prætor, nor should anyone be prætor until he had served a term as curule ædile or as quæstor; but this provision was a command addressed to the people, and was not accompanied by any adequate guaranty for its enforcement. There was no provision that the officer who counted the votes for an ineligible candidate, or that the person who, while ineligible, presented himself as a candidate, should be punished for crime. Sulla decreed that between any two terms of elective office, there must be an interval of one

year; and that between two terms of the same office there must be an interval of ten years. Nobody was to be elected consul for two years in succession. He abolished the office of censor, and provided that a person once appointed to the senate should not be deprived of his senatorial dignity.

The authority of interfering in elections, in legislation, and in affairs of the public treasury, was taken from the tribunitian office, the acceptance of which was made a disqualification for the positions of quæstor, curule ædile, prætor, and consul. Senatorial rank was indispensable in the candidate for the tribunitian office, which was thus placed beyond the reach of demagogues who might hope to use it as a stepping-stone to the highest positions in the state.

Finally Sulla restored to the senators the privilege of sitting on juries in important state trials. This was not a reform, but a restoration of a great abuse. The senate distributed the provinces among its members, with the expectation that each would accumulate a large fortune within a year by extortion. The law forbade but custom permitted the most outrageous cruelty in the exaction of money from provincial subjects; and custom established the rule that the senators should protect one another in their extortion. The average senator was dependent on his colleagues for the fortune not only of himself but of his relatives and friends. All looked with indulgence upon the violation of the law for the protection of one of their own number; and the majority felt great resentment against a just sentence in a case of senatorial extortion. The number of senators was so small, the influence of a vote so great, the class feeling so strong, the fighting propensity so highly developed, the resent-

ment against any personal enemy so bitter, and the opportunities for assassination so frequent in their wars and riots, that it was highly dangerous for a senator, unless supported by a number of others, to vote for the conviction of an associate on a charge of extortion. When the jurymen were selected among the knights, there was more probability of an honest verdict, because there was not the same community of interest between the jurymen and the accused, and also because the class from which the jury were selected was much larger. The equestrian juries sometimes, and the senatorial rarely, rendered honest verdicts in cases of extortion.

Sulla retained the dictatorial office and despotic power for three years; and in 79 B. C. resigned and retired to private life, living without guards and without further participation in official business. He made his home on a magnificent estate at Puteoli, now Pozzuoli, near Naples, where he lived in a most luxurious style, devoting his leisure to the composition of his memoirs, which, unfortunately, have not come down to us. He died suddenly in 78 B. C., a year after his retirement; and his corpse was taken to Rome, where it had a more magnificent funeral than any ever before seen in the Eternal City. His companions in arms came from remote parts of the peninsula to attend his obsequies. Nobody dared to abuse the memory of Sulla.

SEC. 464. *Pompey*.—After the death of Sulla, the most influential man in Rome was Cnæus Pompeius, or, as his name has usually been written in English, Pompey; and he held this position for about twenty-five years. He was a great general and a weak statesman. At seventeen he began his service in the army, and at twenty-three he had become the second general of the republic in credit,

inferior only to Sulla, whom he assisted in subduing the plebeian party. He took command of the army of Sulla in Africa, and afterwards in Spain, where the most difficult work was to be done, and was successful in both his tasks. When only twenty-five years of age, and when he had not yet been elected by the people to any office, the senate granted to him a triumph, an honor without its parallel in Roman history. On his return from Spain with an army, he encountered five thousand gladiators, the last remnant of the forces of Spartacus, and exterminated them. At the age of thirty-six, while too young for the consulship, the senate, by a special resolution, relieved him from disqualification on account of years, and he was elected. Three years later, the scourge of piracy having become intolerable, Pompey was requested by the senate to give relief, and he accepted the commission, on conditions which he dictated, including the grant of a very large appropriation to provide ships and men, with the privilege of selecting all his subordinate commanders. His terms implied that, under the ordinary methods, favoritism, corruption, and incapacity would endanger success. The senate allowed him to have his own way, and within three months he had captured 20,000 pirates, and put an end to their business in the Mediterranean for a time.

Scarcely had he accomplished this task when he went to Asia, where he conquered Mithradates, king of Pontus, Tigranes, king of Armenia, and Antiochus, king of Syria, took twelve hundred walled towns, and doubled the revenues of the state. He returned to Rome to receive his third triumph, and he hoped to enjoy the popularity which he had earned.

But he was disappointed. While consul he had used

his influence with success to repeal the laws of Sulla, abolishing the tribal assembly and restoring the dangerous authority of the tribunitian office. These measures gave great offense to the patricians, who, after they had been relieved from the menaces of the pirates and of the Asiatic monarchs, did not hesitate to show their dissatisfaction.

SEC. 465. *Cæsar*.—Julius Cæsar, born in 100 B. C., was eight years younger than Pompey, but twenty years later in obtaining a high military or political position. At the age of eighteen he proved his courage by refusing to obey Sulla's order to repudiate his wife, the daughter of Cinna, the associate of Marius. His conduct on that occasion would have been fatal to him if some of his friends, who stood well with the dictator, had not interceded for him. Soon after the death of Sulla, Cæsar was generally recognized as one of the most distinguished young men of Rome. His appearance was prepossessing, his manners captivating, his speech ready and impressive, his tact great, his courage high, his confidence in himself great, and his oratorical talents brilliant. His paternal aunt, Julia, had married Marius, and after the death of that leader and of his son and of all the prominent men of the Marian party, Julius Cæsar was its natural leader and chief hope. But until he was thirty-five years of age, he showed no political ambition, but was dissipated in his habits, and was supposed to wish for nothing save a life of careless ease.

In 67 B. C., when he held the office of quæstor, he was called upon to deliver the funeral oration of his aunt Julia. Among the family images he exhibited the figure of her husband, Marius, whose name was so much detested by the senate that any show of honor to him was

considered worthy of punishment with death. Cæsar thus defied the nobles and informed the mob that he aspired to be their leader. The multitude hated the memory of Sulla, his work, and the senatorial rule; and they responded to Cæsar's signal with the most encouraging cheers. But they had been excluded from the government. The tribal assembly had been abolished. The tribunes had been deprived of their authority to convene the people, and to submit bills to vote. Cæsar had to wait for years before he could use the political power of the multitude in a constitutional manner to overrule the nobles.

After Pompey's return from his conquests in Asia, the senate made the great mistake of insulting him by delay in granting a triumph and by refusal to fulfill his promises of land grants to his veterans. As the chief lieutenant and successor of Sulla and the personal friend of many of the new senators appointed by the late dictator, Pompey was strongly impelled to be the enemy of Cæsar and of the rabble, but his wounded vanity and the folly of the senate drove him to look for help in some other direction, and Cæsar was the person who was able and willing to furnish the needed aid. These two made an alliance. One was the favorite of the mob, and the other of the army, the two most formidable powers in the state, though the senate had nominally the control. Pompey married the daughter of Cæsar, and the affection which both had for her was a strong bond of union between them.

Cæsar and Pompey admitted Crassus into their political partnership or triumvirate. Crassus, besides being the richest man of his time, was anxious to acquire political and military honors. For years the three worked

together harmoniously, neither one exposing, or perhaps cherishing, any project inconsistent with the welfare of the other two, or of the republic. A result of the formation of the triumvirate was that Cæsar was elected to the consulate, and one of his first measures in that office was to submit to the senate a bill to give the promised lands to the soldiers of Pompey. Bibulus, the other consul, acting with the approval of a majority of the senate, prevented a vote in that body; so Cæsar took the measure to the people in their centuriate groups. Bibulus and his senatorial friends resorted to force, and tried to break up the assembly, but Cæsar met them with greater force and carried his bill. Pompey addressed the meeting, at Cæsar's request, and said that if his enemies wanted to appeal to the sword, he was ready to meet them. Thus the senators by their own folly gave a second most serious offense to the man of whom they had the greatest need.

In its hostility to Cæsar, the senate ordered him to spend his proconsulate—the year after his consulate—in managing the forests and public pastures of Italy. This was an insult to him, his friends, and his office, but it hurt its authors more than its object. Compensation was given to him by a bill, proposed by a tribune and adopted by the tribal assembly, conferring on him the proconsular office for five years, and giving him Illyria and the basin of the Po as his province. Before he had started, news came that the Helvetians and Teutons were about to invade Gaul, and as the subjugation of those enemies was considered a difficult, tedious, and unprofitable task, the senate added Gaul to Cæsar's province.

He accepted the task assigned to him, and started with his army for the defile of the Rhone near Geneva,

where he compelled the Helvetians to give up their plan of entering France in that direction. They then turned northwards, crossed the Jura mountains, and followed the Doubs river down to the valley of the Saone, where Cæsar met them, slew most of them, and compelled the survivors to return to their ancestral homes. He had scarcely got rid of them before he was called by the Gauls in the northern part of the Saone valley to aid them in driving out a large invading army of the Suevi, or Suabians. Cæsar hurried to their assistance, and, after defeating the Teutons with great slaughter, drove their remnants back across the Rhine. His presence in Gaul was unwelcome to many Gallic tribes, which probably had good cause to complain of the conduct of his soldiers. War with the Gauls followed, first with one tribe and then with another, and then with a large confederation of many tribes. The generalship of Cæsar and the discipline of his soldiers were subjected to many severe tests; but together they triumphed over every obstacle, and all of Gaul was reduced to a Roman province. The task required eight years of arduous warfare, in the course of which 1,000,000 Gauls were slain in battle; and as many more were enslaved. In 55 B. C. a great number of Teutons crossed the Rhine, and Cæsar defeated them with a loss, it was said, of 150,000 men. When peace came, a very large proportion of the Gallic men had disappeared, and a large number of Italians had established themselves in possession of the lands and women of the greater part of Gaul. The religion, the language, and the national feelings of the Gauls gave way to Roman substitutes; and this complete change over most of the territory implies a very large admixture of Roman blood. With unimportant exceptions, the Celtic speech

disappeared everywhere save in the peninsula of Brittany, the most western part of Gaul. Notwithstanding the large size of the country, the great number of its inhabitants, the ardor of their military spirit, the zeal of their priests for the maintenance of their independence, and the numerous mountains and marshes which gave them strongholds easily defended, ten years put an end to all their hopes of a separate nationality, and all their thoughts of taking revenge upon their conquerors. Samnium, with not one-tenth of the territory, and a population not one-third so large as that of Gaul, though within two days' journey of Rome, and almost surrounded by her allies, fought with terrific desperation, and some great successes, more than a hundred years after it had been conquered. Not so did the Gauls, whose submission and fidelity could not be attributed to indulgent treatment. Indeed it may be said that never was a nationality so great treated with indulgence so scant. Cæsar was not cruel. He did not torture his captives, nor slaughter them to gratify his malice. But the interests of Rome demanded that the Gallic question should be settled forever by the destruction of the Gallic nationality.

For more than three centuries his countrymen had feared the Gauls as their most dangerous enemies. A large sum of precious metal was stored in the Capitol to be used only in case of a Gallic invasion; and so long as the Gauls were numerous and within a few weeks' march of the Tiber, that peril would continue to exist. Cæsar now found himself in a position to give final relief from that danger; and later times should not say that he had neglected his opportunity. He knew that, with its large population and richer agricultural resources, Gaul, if

once well organized in its political and military affairs, might become much more formidable than either Samnium or Carthage had been, and yet each of those states had brought Rome to the verge of destruction. If, after his time, any Gallic leader should appear before the walls of Rome, as Hannibal and Caius Pontius had done, the blame might be thrown on the memory of Cæsar. He saw that the interests of his country demanded that the decisive struggle should not be delayed; that it should be brought on before the Gauls fortified their towns; before they acquired a dense population; before they had made much additional progress in the accumulation of wealth; before they had learned to combine their forces; and before they had come under the control of some great military leader.

His personal interests harmonized with the interests of his country. He must conquer Gaul to obtain a large army, to get the affection of his soldiers, to acquire wealth, to gain a reputation that would put him on a level with Pompey as a general, and to give the Roman rabble such confidence in him that they would aid him to become dictator.

With such motives, it is highly probable that Cæsar purposely irritated the Gauls and drove them into hostilities, again and again, until he had slain 1,000,000 of their men, and deported as many slaves, out of a total population which perhaps did not exceed 4,500,000. The Gauls left in the country were mostly women and girls. Cæsar established a large number of Romans, who took possession of the lands and women; and the natural result was that the next generation had ceased to be Gauls in speech, manners, modes of life, and feelings.

SEC. 466. *Anarchy*.—The Roman republic had reached

the end of its career. Tiberius Gracchus, Caius Gracchus, Marius, Cinna, Sulla, and Pompey, had each held despotic power, and no one had established an orderly government on a durable basis. Two generations had lived in almost continuous confusion. The senate and tribal assembly could not work together in harmony, and neither was strong enough to abolish the other permanently. Nor was either fit to rule. There was no influential middle class to restrain them.

Excluded from trade and from every profitable occupation in the city, and yet required to live in grand style and to support a multitude of dependents, the nobles generally derived most of their income from booty in war and from provincial plunder in peace. These sources of wealth were demoralizing. They could not be used with much effect except by men who disregarded the rights and feelings of their fellow-men. The result was that the Roman nobles were among the most cruel rulers the world has ever seen.

In the late republic, the populace of Rome were worthy associates of the nobles. They were the most ignorant and most brutal rabble known to history. They had less industrial skill and they did less work than any other populace. They had less respect for themselves and less regard for the rights of others. Their greatest delight was to see their fellow-men slaughter one another. They were the largest mass of paupers ever brought together.

Republican Rome never had an efficient police force. Every curule officer had half a dozen men or more to serve as his attendants and bailiffs, but they were attached to the man, not to the state. They belonged to no common organization; they were not subject to any general rules emanating from a central authority. They

were appointed for brief terms, not long enough to give them a good official education. The criminal laws were very rude; and without a precise code of police regulations and permanently organized courts, there can not be a good police administration.

Partisan riots and political assassinations were very frequent, and were rarely, if ever, properly punished. Seldom, indeed, were they made subjects of judicial investigation. While Cæsar was in Gaul, two of the most prominent men in Rome, Clodius on the side of the mob and Milo on the side of the senate, kept bands of gladiators, to protect them in street fights. Cato, the younger, also had his similar band. No court interfered with these evils; the senate had no remedy for them. The republic could not protect its honor against such gross insults.

No government in any other great state, in any period of the world, has ever been so disorderly during so long a period as that of Rome from 130 to 50 B. C. Beesley says: "A more repulsive picture can hardly be imagined. A mob, a moneyed class, and an aristocracy almost equally worthless, hating each other and hated by the rest of the world; Italians bitterly jealous of Romans and only in better plight than the provinces beyond the sea; more miserable than either, swarms of slaves beginning to brood over revenge as a solace to their sufferings; the land going out of cultivation; native industry swamped by slave-grown imports; the population decreasing; the army degenerating; wars waged as a speculation, but only against the weak; provinces subjected to organized pillage; in the metropolis, childish superstition, wholesale luxury, and monstrous vice."¹

About 1854, while slavery still existed in New Orleans,

and the Papal government still held possession of Rome, Mommsen wrote that "if we conceive a London with the slave population of New Orleans, with the police of Constantinople, with the non-industrial character of modern Rome, and agitated by politics after the fashion of the Paris of 1848, we shall acquire an approximate idea of the republican glory [of Rome about 45 B. C.] the departure of which Cicero and his associates in their sulky letters deplore."²

This is an impressive picture, but it conveys a very inadequate idea of the most frightful features in the social and political condition of the Eternal City. The slave population there was far more vicious and probably much larger relatively than in New Orleans. The political agitation should be compared to that of Paris, not in 1848, but in 1793, an agitation not limited to a struggle for bread and office, but embittered by the most horrid slaughter. The Rome of 50 B. C. was what Paris would have been in 1875 if the French republic of 1793 had continued for eighty years. No other great city has equaled or even approached the long continuation of the frightful disorders of Rome in the last century of the republic. The cruelty of Nero, and the fury of Commodus, were mild, and merciful, and brief in comparison.

No historian ventures to commend the government of the republic in its later years. According to Mahaffy, it was "the worst tyranny the world had ever seen." In the mind of Ihne it provoked "indignation and disgust." Merivale thought it "frightful in its political immorality." In the description of Mommsen it was "the saturnalia of the *canaille*," the frenzied fury of a degraded populace. To Savigny it was iniquitous. To Froude its treatment of the provinces suggested "the squeezing of a sponge."

Marquardt considered that its rule of conduct was general dishonesty.³

In Rome we find the highest development of the evils which accompany the acquisition of national wealth by war, and the lowest development of those blessings which grow out of the devotion of the mass of the people to productive toil. Even after the Romans had conquered and occupied and plundered all the countries from the Euphrates to the Irish Sea, and after they had had abundant opportunity to become familiar with all the knowledge of their subjects, they still continued to be a coarse and empty-minded people, incapable of appreciating the Greek literature and arts, which they used mainly as cloaks, to hide the detestable features of their gross sensuality. Early in their career, free labor was repressed among them by exhausting warfare, slaves became very numerous. The nobles and wealthy plebeians devoted themselves to money lending, government contracts, and trade; and in the last century of the republic, the rich men had become a band of robbers who held the offices, plundered the provinces, and the subject cities in alliance with the pauper multitude of the Imperial City, whom they bribed with free bread and free games.⁴

SEC. 467. *Success.*—It may seem singular that, with such a detestable government, the republic had succeeded in conquering nearly all of the known world. But her government did not become so corrupt until she had destroyed her most formidable enemies. In her earlier centuries her people were organized in clans, each of which preserved order within its own limits; the population of the metropolis was not very large; the army was composed of property holders, who were interested in maintaining a good administration; and the military dis-

cipline was strict. Notwithstanding serious abuses at home, the wisdom of the senate and the expansiveness of the citizenship gave Rome dominion abroad.

It is impossible to study the history of the Romans without being greatly impressed by their undaunted courage; by their admirable military discipline; by the consistency of their foreign policy; by their unparalleled series of victories; by their successive grants of citizenship to the freemen of all their conquered provinces; by their admirable systems of civil law and of city government; and by the vast influence which they have exerted and continue to exert on the languages, literature, and government of modern times.

Early in her career, Rome adopted the policy of using her neighboring states to destroy one another. Her maxim was to divide and conquer. Fortunately for her, all the enemies which she was compelled to encounter could easily be separated from one another. The Sabine, the Latin, the Etruscan, the Volscian, and the Æquian nationality was each a loose league, the cities of which frequently fought among themselves, and were then glad to obtain alien aid, which Rome was ready to furnish. She systematically instigated quarrels between nobles and commoners, between cities and between nationalities; and she used her powerful influence to prolong hostilities, and to prevent the restoration of confidence in peace. When two neighboring states were at war with each other, she sought an excuse to intervene, preferably becoming the ally of the weaker party. When the foe was subdued, she took a large part of the conquered territory, and planted in it a military colony, well fortified. The allied state which had ceased to be of service was insulted, driven into hostilities, vanquished, despoiled,

and occupied in like manner. Each was kept separate from all others which had a similar interest, until all were so weak that even united they could make no effective resistance. And yet Etruria, Samnium, Carthage, Macedonia, and Gaul had each been strong enough at some time, if aided by all the force of one of the others, to destroy the city on the Tiber.

After the peoples of Italy had been subdued, they were so insulted and oppressed that they were driven into frequent revolts, each of which was the occasion and the excuse for a new conquest, a new massacre, a new deportation of slaves, and a new distribution of confiscated lands in large tracts, to be occupied by slaves brought from a distance. The mixed population found that more of them knew Latin than any other tongue; and under such influences that language took possession of Etruria, Samnium, the Po-Basin, southern Italy, and much of northern Africa, Gaul, and nearly all of Spain. Merivale said that "the success of the Romans in assimilating to themselves the barbarian races of their empire . . . has been deemed one of the lost arts."¹ It would be more correct to say that their cruelty in exterminating, enslaving, deporting, and mixing together the people of their conquered provinces has had no imitators in later times.

The provinces were carefully separated from one another so long as they showed any traces of their hereditary national feeling. The people of one were not permitted to marry, to trade, or to buy land in another; and, after conquest, a country was sometimes divided into several provinces, each cut off from free commercial and social intercourse with the others. Such restrictions not only rendered military combinations against Rome

difficult, but gave to Roman merchants, who besides were exempt from certain taxes, many advantages in business. The modes of assessing and collecting revenue varied in the provinces, which also had different political privileges. These inequalities not only fomented provincial jealousies, but made the people feel that in any insurrection one town risked much more than another.

Rome systematically conciliated the local nobility in hostile as well as in allied cities. After conquering and annexing a province, she placed those cities which she did not destroy, under the control of Roman colonists or of native aristocrats; and the latter, in return for the power and wealth conferred on them, were required to oppress the populace, and thus make themselves dependent on the Imperial City, not only for the maintenance of their authority, but for the protection of their property and lives.

SEC. 468. *Ruin*.—The primary cause of the decay of the Roman republic in its last century was the lack of a numerous and intelligent middle class. The secondary causes, all of which grew directly or indirectly out of the primary cause, were the defects in the system of legislation and in the administration of the criminal law; the enlistment for long terms in the army of men without property, and without citizenship; the inequalities of political and industrial rights; the cruel system of plundering the provinces; the disagreement of the senate and the mob about the division of the plunder; the exclusion of the senators from industrial occupations that might have enabled them to earn an honest living; and the system of compelling candidates for high office to bribe the people with expensive shows. Neither luxury, nor irreligion, nor disregard of the marriage tie, nor the

lack of a system of representation, had any appreciable influence in causing the ruin of the republic. The most chaste, the most miserly, and the most superstitious people, with an advanced system of representation, could not have saved a government while afflicted with vices such as those of republican Rome.

This statement of the causes of the ruin of the republic implies that the state needed a political party organized for the purpose of advocating the needful reforms. But one of the most striking facts in Roman history is that no such party ever made its appearance; nor did any man of great prominence ever attempt to organize such a party. The chief questions of partisan contention were whether the mob in the capital should have grain for one-fifth of its market value or for nothing; whether they should have free grants of land, not for occupation, but for sale; whether the consuls should distribute to their soldiers small or large shares of the booty taken from the conquered provinces; whether the best places in the government should be given to the partisans of the senate or to those of the mob; and whether the courts should treat extortion and murder committed by citizens upon provincials, as crimes. In short, the Roman government had completely failed to perform many of its most important duties.

The wars fought in Italy were accompanied by fearful devastations, which involved cities, towns, country houses, orchards, vineyards, cattle, tools, and all forms of movable wealth, in destruction. The authority of law being superseded for years at a time by the clash of weapons, many men, deprived of other means of support, resorted to brigandage, and plundered districts which had been spared by the armies.

While in many districts of Italy the rural population was swept away, and the country was desolated, the senators, army contractors, tax gatherers, and money lenders of Rome, were accumulating vast fortunes, which enabled them to buy up or occupy the devastated tracts, and to fill them with slaves, who were brought in myriads from Africa, Epirus, Greece, Asia, Africa, Sardinia, Spain, and Gaul. The peninsula, which three or four centuries before had possessed millions of farmers, each owning and tilling his little tract, now had only some thousands.

The slaves became numerous in the capital as well as in the rural districts. About 130 B. C. a remark in the Forum by Scipio, the destroyer of Carthage, having provoked an angry protest from the populace within hearing, the speaker called out, "Silence, ye stepsons of Italy; remember who brought you here in chains." He thus insinuated that many of the men before him had been enslaved by his armies and afterwards emancipated. And the story is told as if the crowd submitted in silence to the correction; perhaps the freemen were ashamed of their company, and the freedmen afraid to make themselves conspicuous.

In addition to changes in the legislative and police departments of the government, the reforms most needed in Rome were the equalization of industrial and political rights, the freedom of industrial occupation for senators, the payment of the expense of the public games by the public treasury, the payment of salaries to all executive officials, and the suppression of pauperism among the class able to support themselves.

The only important reformatory measure that found prominent advocates in Rome was the extension of the Roman citizenship; but the motive of the exceptional

zeal in this direction was perhaps not so much a desire to do equal justice as to catch numerous votes. The politician who could give the franchise to several hundred thousand men might count with confidence on their partisan attachment to him.

In no other civilized community has the greed for money shown itself more offensively; in no other has the separation been wider between legal privilege and moral right; in no other did the dominant class look with more contempt on the demands of justice; and in no other can we find more conclusive proof that for the happy constitution of society, the mere outward forms of law are of less value than the public spirit which knows how to develop a sound social condition.

Cicero and other learned and able statesmen of his time evidently had no hope that the main political abuses of the republic would be corrected while they lived. Their highest ambition was to postpone the day which was to witness the final overthrow of senatorial rule. They foresaw that the end must be a monarchy, which they supposed would not be durably established until after scenes of disorder and massacre, similar to those which had disgraced the reigns of Marius and Sulla.

One of the most important objects of national economy is to establish a sound system of land tenure, under which the area of the state shall be divided among a multitude of farmers, each owning in fee, and tilling by his own labor, a tract not much larger than is sufficient to maintain his family in comfort, and to educate his children in a manner that will qualify them to perform their duties as citizens and members of society with credit to themselves.

But no comprehensive plan for the establishment of

such a system of land tenure was proposed in Rome. The main purpose of the agrarian laws was to give to the commoners tracts not to be occupied but to be sold by them. Tiberius Gracchus, when trying to get the support of some of his noble relatives, inserted in his agrarian bill a clause that the land should be forfeited to the state when abandoned by the grantee, but this clause was repealed because it offended the rabble, who wanted land not to occupy but to sell.

We cannot understand the fact that the nobles, including the senators, were almost unanimous in their opposition to the agrarian bills, unless we suppose that all these bills were designed to benefit a class at the expense of the state. Among the senators there were able statesmen and sincere patriots in every age. Such a man was Cicero, and he had a number of senatorial supporters; yet he and they were enemies of all the agrarian agitators. Neither Tiberius nor Caius Gracchus had any senator of note, unless a near relative, among his supporters, and although each carried his bill, no party in the senate wanted its enforcement.

The military was the only department in which the late republic was not miserably deficient. Though the discipline was relaxed and the material inferior, the martial traditions had enough influence to make excellent fighters. A brutal populace may make a formidable soldiery. Fortunately for Marius, Sulla, Pompey, and Cæsar, in their foreign wars they encountered no great army under a great general. The Greeks were not united; the Gauls and Teutons were not well drilled nor well commanded.

SEC. 469. *Perfidy*.—Of all civilized governments that of the Roman republic was the most perfidious in its

foreign policy. No other powerful state has ever approached it in the systematic disregard of the obligations of truth and justice to other nations. The base treatment of Carthage in the acquisition of Sardinia and in the third Punic war has been described briefly in sections 450 and 455. Some other examples of Roman faithlessness deserve mention here.

When the Romans were ready to appropriate the territory of Numidia, they declared war against King Jugurtha, who had been a most useful ally to them. Having defeated him, they consented to grant him peace if he would surrender all his elephants, a great number of horses, and a large stock of arms, and would pay a war indemnity of about \$2,500,000. Jugurtha accepted the conditions and complied with them, supposing that he would then be left in possession of his dominions, as an allied or subject prince. But this was only a beginning. He was ordered to surrender all the Roman and Italian deserters, who had been an efficient part of his army. Having given up most of his weapons, he complied with this demand. Next he was ordered to surrender himself. This was too much. He again called on his people to fight, and kept up the war until the Romans, by bribery, induced his father-in-law to seize and surrender him. He was then starved to death.

At a conference of two Roman commissioners with the senate of the Achæan League, the ambassadors accused the leading Achæans of scheming to make war against Rome. One of the Achæans denied the charge and said he was ready to be tried on that accusation either in Achæa or in Rome. Thereupon one of the Romans replied that he and other prominent Achæans should go to Rome to be tried before the senate. Rather than bring

the disasters of a hopeless war on their country, the Achæans went. The list, as prepared by the Romans, included all the men noted for political and military experience or for influence among the people. The promise of a trial was never kept. The accused were treated as if already convicted. They were detained in Etruria, where most of them died, and, after a lapse of seventeen years, three hundred survivors were permitted to return to Greece, where they contributed to increase the detestation with which the Romans were regarded throughout the provinces. Of these distinguished Achæans, whom the Romans could not have taken from their country without a deceitful concealment of their purpose, Polybius was one, and he became the first historian of Rome whose works have been at least partially preserved to our time.

After King Perseus had been conquered, the consul Paullus Æmilius sent word to those Epirotic cities which had been allies of Macedonia in the war, that he would spare them if they would deliver to him all the gold and silver which they possessed, either as private or as public property. They accepted his offer, and he sent a small army into every city to receive the treasure. When it had been delivered, the soldiers plundered all the dwellings, and sold 150,000 of the people into slavery.¹

In 136 B. C., after consul Mancinus had been defeated, with a loss of 10,000 men, by the Numantines, and was in great danger of being cut off with the remaining 20,000, he made a treaty, to which he and all his principal officers pledged the faith of Rome by their oaths. The senate repudiated the obligations of the treaty after they had obtained its benefits, and sent Mancinus to Numantium to be slain for having violated his promise.

"The manner in which the senate first pampered and rewarded a power like that of Eumenes [king of Pergamus], and enriched it at the expense of its neighbors, then jealously pulled it down the very instant their purpose had been attained, shows not only a total absence of justice, but a want of shame in parading this policy, which astonishes us. Even worse, their usual method of accomplishing this purpose was to set up the son or brother of their ally as a pretender, and let him see that they encouraged this treachery, thus sowing the seeds of crime in families and violating the purest and best feelings of our nature."²

The sack of Syracuse, after the expulsion of a Carthaginian garrison in the second Punic war, a garrison which had obtained possession of the fortress without the consent of the people, and after a siege in which most of them favored the Romans, is the most disgraceful affair of the kind in history. The damage done was so great that the city never recovered its former wealth, population, or commerce. This outrage might be charged to the brutality of an army, or to the weakness of a commander, but not so the complete destruction of Carthage and Corinth, two of the most brilliant and prosperous cities of the IInd century B. C. These crimes against humanity were deliberately ordered by the senate, and seem to have been approved by public opinion. Livy, Salust, and Cicero have no word of condemnation or lament. Alexander destroyed Thebes, but Thebes had wanted to destroy Athens; and besides she was so powerful that Alexander could not safely leave her behind him while he was on his way to Asia. His motive was a reasonable precaution; Rome's, in her fury against Carthage and Corinth, was mere malignity.

The instances of Roman perfidy mentioned in this section, though the most remarkable, are relatively few in a long list, and all of them were ordered or approved, or at least not condemned, by the senate. The ignominy of Rome is increased by the pretenses of such representative authors as Livy and Sallust, that Carthage was pre-eminent for dishonesty in foreign relations, and that "Punic faith" was the equivalent of perfidy.

Liddell remarks that "the Romans professed not to keep faith with barbarians." Arnold tells us that "in their dealings with foreigners the Romans had neither magnanimity, nor humanity, nor justice." According to Ihne, they had neither "pity nor shame." Merivale observes that "public opinion continued to encourage the most open defiance of every moral obligation in dealing with the enemy in the provinces." And he also says that the treatment of Rhodes was scandalous, and that for the benefit of their own trade, the Romans "were ready to massacre the inhabitants of any [commercial] city." Finlay expresses his detestation of "the lupine ferocity of the race of Romulus." Mommsen says that they carried their brutality to enemies so far that they injured themselves.

SEC. 470. *Plunder*.—Every main political division of the state outside of Italy, called a province, was subject to a governor, who was selected by the senate from its own members, to serve one year. The main duties of his office were to preserve peace, to act as judge in all cases affecting the rights of Roman citizens, to protect the interests of the republic and of its citizens, and to supervise the collection of the revenue. He had great control over the lives and property of his subjects. In some provinces he collected the taxes by his subordinates; in

others, the collection was made by revenue companies, which had paid or contracted to pay to the state a certain sum for a term of five years.

The governor received no salary, but usually he expected to make a fortune by extortion before the end of his term. He was not subject to any tribunal or authority in the province; and if accused of crime, must be tried in Rome, among his friends and by his friends, where the accusers would be among their enemies. The expense of such a trial was great to the accusers, and the danger to them from later governors was serious.

The tax-contracting companies were systematically guilty of the most cruel oppression. Composed of greedy men, and served in the details of the collection by men of despised classes of society, often freedmen or slaves, they exacted much more than the legal tithe. Those provincials who resisted and appealed to the courts were usually defeated, because the defendants and the judges all belonged to the oppressor class. The companies had senators among their stockholders, and might have great influence upon the fortunes of the judges. The chances of the suit were strongly in favor of the Romans, and the penalty in case of failure was severe for the unfortunate provincials. The general results of the system were that the provinces lost in population and wealth; that the Romans were detested; that there were frequent revolts and assassinations; and that the reports of the defeats of the senatorial party, of the overthrow of the republic by Cæsar, and of the establishment of a monarchical government by Augustus, were received with almost universal satisfaction out of Italy.¹ "All the provinces [said Cicero] are mourning; all the nations that are free are complaining; every kingdom is expostulating with us

about our covetousness and injustice; there is now no place on this side of the ocean, none so distant, none so out of the way, that in these later times the lust and iniquity of our citizens have not reached it. The Roman people is now no longer able to bear, I do not say the violence, the arms, and the war, but the mourning, the tears, and the complaints of all foreign nations.”²

The Romans went to the provinces to make fortunes, and usually intended to collect money quickly by the most dishonest means. The government gave them abundant opportunity to oppress the provincials, and they used their power “without remorse and without satiety.” Under their extortions “the most unspeakable misery . . . reigned from the Tagus to the Euphrates.” They made themselves “unutterably odious.” The methods adopted by them to compel their subjects to surrender their treasures were inconceivably cruel. Thousands of tillers of the soil who, before they became subjects of Rome, had owned their little farms and lived in simple comfort by honest toil, afterwards, compelled to choose beggary or brigandage, preferred the latter. “In Sardinia and some districts of Asia brigandage was endemic; in Africa and Further Spain it became necessary to fortify all buildings outside of the city inclosures.” Many Roman governors favored gangs of robbers, who, by rendering life and property insecure, reduced the price of land and enabled capitalists to buy up extensive tracts, or to acquire legal title by prescriptive occupation during the absence of the former owners. “Like Carthage, Macedonia had provoked the envy, the greed, and the fear of the Romans, and when they obtained the power, they gave free rein to their malignant hatred. They cut up the country into

four divisions, and so isolated them that no inhabitants of one were allowed to acquire property or marry in the next. Of course Roman traders—and here the policy of protecting them by tyranny and oppression first appears—who could cross these frontiers soon got all the remaining wealth into their hands, and so great was the wretchedness of the land that bloody raids and insurrections compelled the Romans, twenty-one years after, to reduce it to a direct Roman province. It was all very well to demand [as the Romans did] only half the tax paid to the former kings. The mines were closed, the export of timber prohibited, in fact everything was done, and done but too successfully, to reduce this noble and free people to starvation and ruin.”³ “So long as the senators were the jurymen in cases of extortion, they reigned irresponsibly in the judicial tribunals, screened their friends and condemned their enemies, gorged themselves individually with bribes, and maintained, with relentless tyranny, the system of provincial oppression by which they profited as a class.”⁴ At those times when the jurymen were taken from the equestrian order, the corruption was not so frightful, but was still abundant and disgraceful. The tax collectors in many of the provinces were knights, who bribed the governors, and thus the jurymen were again members of the class which supplied the criminals and shared their profits. Many senators were secret stockholders in the tax-farming companies, composed ostensibly of knights; and the two orders worked together harmoniously in the provinces, where both had much to lose and nothing to gain pecuniarily by opposition to one another.

The Romans generally who went to the provinces went for plunder, and many of them had friends and rel-

atives among influential men, who could throw serious obstacles in the way of any governor who should attempt to protect his subjects against oppression. The troubles that beset an honest official in the provinces were so serious that the man disposed to enforce the principles of justice was either prevented from soliciting a provincial governorship or, after he got it, so hampered that he could not exercise the power that belonged properly to his office. His subordinates, through whom much of the administration was done, systematically deceived and disobeyed him.

Murders, open robberies, and other violent outrages were committed frequently by the Romans, and went not only unpunished but unnoticed; and yet, as Mommsen says, these crimes affected the comfort of the people generally less than the financial exactions made under the forms of law. These reduced many and threatened to reduce all to the most abject poverty and hopelessness.

In some provinces the tax gatherers and Roman officials made a practice of extorting, not a tenth, but a half or three-fourths, of the crop from provincial cultivators; and, as a consequence, much of the land was allowed to remain untilled, and other portions were sold or intrusted to Romans who could, or thought they could, defend their rights. Roman citizens, however, were not secure against the plunderers. They and their witnesses were murdered, their names and identities denied, their documentary evidences destroyed, and their advocates intimidated if not murdered.

When Pompey as consul elect in 70 B. C. was about to enter the city, he found a crowd at the gate, and delivered an address to them. His declaration that he

avored the restoration of the tribunitian power was received with a murmur of approval; but when he spoke of the need of a reformation of the gross abuses in the administration of justice, and the cruel oppression of the provinces, there was a loud and unanimous outburst of applause.⁵

One of the most notorious and discreditable examples of Roman cruelty to the provincials occurred in the island of Cyprus. The people of the city of Salamis in that island, having borrowed money at the rate of four per cent a month for the purpose of paying their taxes, and then becoming delinquent when the loan fell due, the members of the city council were imprisoned by the Roman Scaptius (agent for Marcus Brutus, the assassin of Cæsar), and kept without food until five of their number died of starvation. The debt had not been paid when Cicero became governor of the province of Cilicia, including Cyprus. One of his first acts as governor was the publication of a decree that the highest rate of interest which could be legally collected under him was one per cent a month. This brought out an angry protest from Brutus, who claimed the right of collecting the rate fixed in the contract. Cicero stood firm, and Brutus and Scaptius had to wait for a more accommodating governor, whom they doubtless obtained the next year. Cicero did not venture to punish Scaptius or his accomplices in the murder of the members of the city council; nor did he call the attention of the senate to the outrage. We learn of it incidentally in Cicero's letters. It seems to have been regarded as one of the abuses unavoidable in the administration of the republic, not important enough to be made a matter of official complaint to Rome. Cicero, who did nothing to punish

Scaptius, boasted of the exceptional justice of his administration to his provincial subjects; and this boast is doubtless true relatively. But if his conduct was Roman justice, and if he was an exception, what were the bulk of the unjust governors?

Mylasa was a free city in the province of Caria, and was honored above the surrounding district by being recognized as an ally of Rome. The presiding magistrate of that city, having received a demand from Consul Publius Crassus for a beam to be used as a battering ram, and having delivered one which did not comply with the specifications, was scourged by order of the consul.¹

SEC. 471. *Verres*.—"About the period of Sulla's abdication," says Merivale, "a young noble named Caius Verres accompanied the prætor Dolabella to his government of Cilicia. At Sicyon, in Achaia, as he passed along, he thought fit to demand a sum of money of the chief magistrate of the city, and, being refused, shut him up in a close chamber, with a fire of green wood, to extort the gratuity he required. From the same place he carried off several of the finest sculptures and paintings. At Athens he shared with his chief the plunder of the temple of Minerva; at Delos, that of Apollo; at Chios, Erythræa, Halicarnassus, and elsewhere on his route, he perpetrated similar acts of rapine. Samos possessed a temple celebrated throughout Asia; Verres rifled both the temple and the city itself. The Samians complained to the governor of Asia; they were recommended to carry their complaints to Rome. Perga boasted a statue of Diana coated with gold; Verres scraped off the gilding. Miletus offered him the escort of one of her finest vessels; he detained it for his own use and sold it. At

Lampsacus he sought to dishonor the daughter of the first citizen of the place; her father and brother ventured to defend her, and slew one of his attendants. Verres seized the pretext to accuse them both of an attempt on his life, and the governor of the province obliged him by cutting off both their heads. Such were the atrocities of the young ruffian, while a mere dependent of the proconsul, with no charge or office of his own. Being appointed quæstor, he extended his exactions over every district of the province, and speedily amassed, by the avowal of his own principal, from two to three millions of sesterces [\$100,000 to \$150,000] beyond the requisitions of the public service.

“Verres could now pay for his election to the prætorship in the city. For one year he dispensed his favorable judgments to wealthy suitors at home, and on its termination sailed for the province of Sicily. Here his conduct on the tribunal was marked by the most glaring venality. He sold everything, both his patronage and his decisions, making sport of the laws of the country, and of his own edicts; of the religion, the fortunes, and the lives of the provincials. During the three years of his government not a single senator of the sixty-five cities of the island was elected without a gratuity to the proprætor. He imposed arbitrary requisitions of many hundred thousand bushels of grain upon the communities already overburdened with their authorized tithes. He distributed cities among his creatures with the air of a Persian despot: Lipara he gave to a boon companion, Segesta to an actress, Herbita to a courtesan. These exactions threatened to depopulate the country. At the period of his arrival the territory of Leontium possessed eighty-three farms; in the third year of the Verrine ad-

ministration only thirty-two remained in occupation. At Motya, the number of tenanted estates had fallen from a hundred and eighty-eight to a hundred and one; at Herbita, from two hundred and fifty-seven to a hundred and twenty; at Argyrona, from two hundred and fifty to eighty. Throughout the province more than one-half of the cultivated lands were abandoned, as if the scourge of war or pestilence had passed over the island.

“But Verres was an amateur, and an antiquary, and had a taste for art as well as a thirst for lucre. At every city where he stopped on his progresses he extorted gems, vases, and trinkets from his hosts, or from any inhabitant whom he understood to possess them. No one ventured to complain. There was no redress even for a potentate in alliance with the republic, such as Antiochus, king of Syria, who was thus robbed of a splendid candelabrum enriched with jewels, which he was about to dedicate in the Capitol of Rome. All these objects of art were sent off to Italy to decorate the villa of the pro-prætor. Nor were the antiques and curiosities he thus amassed less valuable than the ornaments of gold and silver. Finally, Verres laid his hands on certain statues of Ceres and Diana, the special objects of worship among the natives, who were only allowed the consolation of coming to offer them their sacrifices in his garden. Nor did the extortion of Verres fall upon the Sicilians only. He cheated the treasury at Rome of the sums advanced to him in payment of corn for the consumption of the city. He withheld the necessary equipments from the fleet which he was directed to send against the pirates, and applied them to his own use. The fleet was worsted by the enemy, and Verres caused its officers to be executed for cowardice. He crowned his enormities

by punishing one of the ruling caste with death. Gavius, a Roman trader, he had confined in the quarries of Syracuse. The man escaped, was retaken, and fastened to a cross on the beach within sight of Italy, that he might address to his native shores the ineffectual cry, 'I am a Roman citizen.'"¹

It was by an accident that we know so much of Verres. It so happened that Cicero prosecuted him for extortion, and delivered one of his most famous orations against him. Verres murdered witnesses, bribed a consul, and attempted to exclude Cicero from the position of advocate of the Sicilians; but when the orator had once obtained a hearing, and had given an account of the crimes committed, the criminal saw that further pretenses of innocence were useless, and he went into exile. The preservation of the oration of Cicero has given a prominence of infamous immortality to the criminal.

In his first oration against Verres, Cicero declared that the administration of justice under the senatorial judges had been nefarious; and he added, "The Roman people shall know from me . . . why . . . Quintus Calidius, when condemned, said that a man of prætorian rank could not honestly be condemned at a price of less than 300,000 sesterces [\$15,000]; why it is that when Publius Septimius, a senator, was condemned for extortion, while Quintus Hortensius was prætor, damages were assessed against him, including money which he had received as judge to decide causes which came before him; why it is that in the case of Caius Herennius and in that of Caius Popilius, senators, both of whom were convicted of peculation,—why it is that in the case of Marcus Atilius, who was convicted of treason—this was made plain, that all had received money for the purpose

of influencing their judicial decisions; why it is that senators have been found who, when Caius Verres, as prætor of the city, gave out the lots, voted against the criminal whom they were condemning without having inquired into his case; why it is that a senator was found who, when he was judge, took money in one and the same trial both from the defendant to distribute among the judges, and from the accuser to condemn the defendant." 2

The six orations of Cicero against Verres, still in existence, contain a catalogue of his numerous, heinous, and notorious crimes, including the theft of valuable state and private property, the profanation of temples, the violation of domestic purity, the sale of judicial decisions, the corrupt release of malefactors, the encouragement of piracy, the murder of provincials, allies, and citizens—crimes committed through a series of years without punishment, and without official complaint by the senate or any consul.

This list of the crimes of Verres is undoubtedly true, as is a most significant confession by a senator and a zealous supporter of the senatorial party, that the majority of the senators were the most corrupt body of men that ever controlled the administration of a civilized state; and that their pretended government was practically an anarchy. It is the most frightful and disgusting record of crime by one man to be found in all history.

SEC. 472. *Roscius*.—The story of Sextus Roscius deserves attention as an example of crimes not rare in the civil wars of Rome. He lived in the town of Ameria, now Amelia, about fifty miles north of Rome, where he owned several large estates of land. He was a decided supporter of Sulla, and of the senatorial party. While

Sulla was dictator, and soon after he had published his proscription lists, two men of Ameria, named Roscius Magnus and Roscius Capito, plotted to murder Sextus Roscius, and get hold of most of his property. When their victim was in Rome, he was assassinated in the evening by Roscius Magnus, who immediately sent word by his freedman to Roscius Capito. The messenger made the journey of fifty-six miles in ten hours, and delivered his news about daybreak. Soon afterwards, by the aid of Chrysogonus, who had probably been a participant in the plot from the first, and who was a freedman of Sulla, the name of Sextus Roscius was published in a proscription list, his estates as confiscated were offered for sale, and, though worth more than \$100,000, were sold for \$100. The purchaser was Chrysogonus, against whom others did not wish to bid. Chrysogonus sold out to his accomplices.

The citizens of Ameria, knowing that Sextus Roscius had been a partisan of Sulla; that he had been assassinated, and that the property had been sold after the time when such sales were permitted; that it had been sold corruptly for a trifle; and that it had been transferred to the men suspected, with good reason, of the assassination, sent a deputation of their lower council to Sulla to call his attention to the facts. Chrysogonus, hearing of their mission, persuaded them not to insist on seeing Sulla, and promised that the name of Sextus Roscius should be erased from the proscription list.

Whether through fear or folly, they yielded to him, and went away without seeing Sulla, or making sure that he knew anything of the affair. The murderers, perhaps thinking that the complaint against them had been made by Sextus Roscius, son of the murdered man, accused

the latter of employing a murderer to kill his father. The son was a man who had spent his life in the country, had given all his attention to agricultural affairs, and had no personal friends among the senators. By the confiscation he had lost all his property. The accusers probably expected to convict the accused mainly by corruption, and by the fear of Sulla and of Chrysogonus, his freedman. But the son found an advocate in Cicero, who convinced the court that Chrysogonus acted in this matter without the previous knowledge or subsequent approval of Sulla, that Roscius Magnus and Roscius Capito were the true criminals. The son was acquitted; whether he recovered his property, or whether the murderers were punished, we do not know.

Marcus Aurius, a citizen of Larino, in southern Italy, while in arms against Sulla, was captured. He was then sold as a slave, and taken to northern Italy, where he was kept in chains. His aged mother, unable to learn what had become of her son, when about to die, bequeathed a large legacy to him, and gave the residue of her estate to her grandson. This heir, Oppianicus, having discovered his uncle, murdered him, and appropriated the whole estate. This crime became known to a kinsman, and to the magistrates of Larino, who prepared to prosecute the murderer, whereupon Oppianicus, at the head of a troop of ruffians, murdered the kinsman and the magistrates; and he then installed himself and some of his associates as magistrates of Larino, declaring that he was acting by the orders of Sulla. His rule was frightful, but not of long duration.¹

SEC. 473 *Slave Wars*.—Three great slave wars occurred in Roman history, the first two in Sicily and the last in Italy. The first broke out in 134 B. C., and con-

tinued four years; the second began in 102 B. C., and lasted three years. In both the slaves were numerous, and desperate enough to defeat several Roman armies; and according to Athenæus, the only ancient author who gives an estimate of the loss of life in the two, a million of men fell in them. This is presumably a gross exaggeration, but the victims must have been numbered by hundreds of thousands. The outbreak in each case was provoked by the gross cruelty of the masters.

The second slave war was preceded by circumstances peculiarly illustrative of the Roman system of provincial government in the last century of the republic. When Marius was collecting his army to meet the Teutons, he sent a request as consul, to the allied and dependent king of Bithynia, to send him some troops. The king replied that so many of his free subjects had been carried as slaves to Sicily by the Roman tax gatherers that he could not furnish soldiers. In his hostility to the senate, Marius gave publicity to the excuse, accepted it as correct, and doubtless expressed the opinion that the senate was responsible for the evil and ought to provide for its correction. The senate ordered the governor of Sicily to make an investigation, and to liberate all the freemen held illegally as slaves. Notice having been published that claims to freedom would be heard, accompanied, doubtless, with warning that all false pretenses would be severely punished, for the Romans were merciless in such matters, a great number of applications were made, and they increased so rapidly that they created general alarm among the slaveholders; and after eight hundred men had been liberated, suddenly the governor refused to hear any more cases. Shortly afterwards, and partly because of this refusal, the revolt began.

The third slave war was in Italy, and is generally called that of the gladiators, with whom it began. In 72 B. C. seventy slaves who were under training at Capua to teach them how to slaughter one another for the amusement of the Romans, escaped with their arms, under the lead of Spartacus, who had been a Thracian soldier and general; he was soon joined by a large number of slaves, whom he and his fellow-gladiators organized into legions, and then he marched through the country, collecting arms, provisions, military engines, and recruits, and defeating all the Roman troops sent against him. At one time he had an army of 100,000 men. He showed himself to be a general of much capacity, but his soldiers were heterogeneous, quarrelsome, dissolute, and extremely averse to discipline; and his supply of men suitable for the subordinate commands was entirely inadequate. The end was that within a year he and all his men were either slain in battle or massacred as prisoners.

These three are the only slave wars worthy of mention in a history of culture as brief as this one. They may be considered characteristic of Rome, and natural results of the brutality of the last century and a half of the republic. No other state in an equal period of time ever inflicted so much injustice and so much indignity upon so large a number of freemen, or ever so richly deserved the loss and humiliation to which it was subjected by its revolted slaves. Other states have had large numbers of bondmen, but no other reduced so many freemen to servitude, or conducted the slave traffic on a scale so gigantic, or took so many warriors away from their native land to toil in distant regions under the most exacting masters, with so many circumstances of hardship.

Akin to the slave wars was the pirate war, which oc-

curred in 66 B. C. For ten years pirate ships had swarmed in the eastern portions of the Mediterranean. They were far more numerous and more formidable than the vessels of the Roman navy, to which they frequently gave battle with success. Besides capturing merchant vessels, they plundered the coasts of Asia Minor, Greece, Sicily, and of Italy, landing large bodies of armed men, which sought to take towns by surprise. They had even taken and plundered Ostia, only fifteen miles from Rome. The people feared that they would cut off all the ships that supplied the capital with grain. Bread became dear. The danger was so imminent that an office—it may be called the pirate dictatorship—was created such as no one had ever before held. It was conferred on Pompey, and he was authorized to buy and build an immense fleet, to appoint all his subordinate officers, and to expend an immense amount of money in his preparations. In nine months he was ready to take the sea; and three months afterwards he had defeated the enemy in a great naval battle, had taken several hundred ships, had captured 20,000 men, and completely accomplished the purpose for which his office was created. He spared the lives of his captives, and compelled them to turn their attention to the pursuits of peace. These are the only pirates who ever openly defied a great civilized nation on its own waters, or ever ventured to give battle to a great fleet. The extremity of their audacity implies the extremity of Roman misgovernment.

SEC. 474. *Pharsalia*.—While Cæsar was engaged in Gaul, destroying enemies whom the Romans had feared for centuries, the senators could neither refuse to furnish him with soldiers nor to prolong his term of office; but their detestation of him increased with his success and his

influence over the rabble. The plebeians made him their idol, and in their tribal assembly were ready to grant to him any reasonable demand if it should be refused by the senate. His generalship was so consummate, his victories so brilliant, his subjugation of the Gauls so complete, his political administration so judicious, his tact in managing his legions so delicate, that even his enemies had to admit that he was a man of vast capacity. He had not only conquered the Gallic tribes, but he had established so many settlers of other blood in their country that there was little danger that a later generation of Gauls would ever overrun Italy. That which, for three centuries, had been considered the greatest peril in the future of Rome was now dispelled forever.

Cæsar found that he could not return to Rome in peace. Those senators who had been his most bitter enemies, since he began his public career, understood that if he should ever enter the capital, retaining control over the legions which he had trained in Gaul, and supported by the city rabble, he would be master of the state as completely as Marius and Sulla had been; and they doubtless feared that he would imitate their proscriptions; in which case these same senators who owed their places to Sulla and were the implacable enemies of all the Marian leaders, would probably be the first victims. Even if their heads should be secure, their political influence, by the aid of which they shared in the plunder of the provinces, certainly would be imperiled by the domination of Cæsar in Rome. But they had no great leader, no army, no general. In their trouble they made advances to Pompey, whom for years they had insulted and wronged, and who previously had been the ally of Cæsar.

The political combination between the two men had been greatly weakened by long separation, by the deaths of Julia and Crassus, and by the jealousy which had sprung up in the mind of Pompey when he saw that Cæsar had acquired great military glory, and had gained an unequaled popularity with the Roman mob. He welcomed the leaders of the senatorial party and joined their side; and they, supposing themselves now certain of success, showed their hostility by several senatorial resolutions, depriving Cæsar of his command, and withdrawing privileges previously conferred on him. In unofficial conversation, they declared that they regarded him as a public enemy, who could never be permitted to live in Rome. It was evident that if he should return to the capital without a strong military escort, he would either be assassinated, or tried on one of the numerous accusations that had been made against him, and driven into exile.

Under these circumstances, Cæsar had to choose between peace and war. The former meant residence with obscurity, and perhaps security, for himself in one of the provinces; the latter meant great danger for himself, and, in case of success, the establishment of an orderly administration for the state. He chose the latter, and it was probably not until this choice was forced upon him that he began to plan the reorganization of the government of Rome. It was the most difficult and the most beneficent political work that any man ever undertook.

When the senate and Pompey showed that they intended to treat him as a public enemy, he was with one legion at Ravenna, about seven days' march from the capital. Trusting to his promptitude and popularity, he started at once with his six thousand men, and sent

orders to two legions in Gaul to follow him immediately. Pompey had been placed in command of a projected army, but he was not ready when Cæsar approached, and withdrew to southern Italy and then to Macedonia. After Cæsar had obtained possession of Italy, the main question that presented itself to him was whether he should follow Pompey to Epirus, or go to Spain, which had the largest and best army under officers of the senatorial party. He chose the latter alternative, and, having landed in the Iberian peninsula, he avoided a battle for a few weeks, and then had the satisfaction of seeing the soldiers on the other side declare themselves in his favor. He conquered Spain without striking a blow.

Then he returned to Italy, and crossed the Adriatic in pursuit of Pompey, whom he defeated at Pharsalia. The vanquished leader fled to Egypt, where he was assassinated without authority of Cæsar, who would doubtless have spared him, as he did all those senators of the opposite party who submitted. The conqueror spent most of the three following years in exterminating the remnants of the senatorial armies in Africa and Spain; and in September, 45 B. C., he finally returned to Rome, where he devoted the remainder of his life to his constitutional reforms.

The predictions, made by his opponents, that after his victory, Cæsar would imitate the massacres of Marius and Sulla, were not verified. He destroyed the correspondence of Pompey without permitting it to be examined. If any of those persons who claimed in public to be his friends had pretended in secret to be his enemies, he did not wish to know their names. Some of the leaders of the senatorial party who made no further resistance after Pharsalia, were not only spared but were

admitted into the victor's confidence and favor. Most of them became his zealous friends. General expectation at the time regarded the triumph of Cæsar as the beginning of a new era of peace and order;¹ and this opinion was justified by later results.

SEC. 475. *Cæsar's Laws*.—Cæsar was a great statesman, and one of the greatest of generals. Among the men classed in the first rank for their military genius there are four,—Alexander, Hannibal, Cæsar, and Napoleon; and among these many critics give the first place to Cæsar. Of the four he was the only one who was a great orator; the only one who was a great historian; and if not the only one who was a great statesman, at least the only one who permanently changed the government of the whole civilized world, who founded a dynasty, and made his personal name the title of the emperor.

His ideas were clearer, sounder, and more comprehensive than those of Sulla, and he acted with greater energy. He saw that neither the nobility nor the multitude in Rome was then competent or could in a generation be made competent to govern the empire. He saw that there was no possibility of success for either democracy or aristocracy with the people to whom it must be intrusted. He established a despotism as the only possible form of orderly government but he did not assume the title or state of a monarch.

The narrow citizenship which the senate and rabble of Rome agreed in guarding with the greatest jealousy, as a gratification of their local vanity, and as an aid in the oppression and plunder of the provinces, did not harmonize with the broad statesmanship of Cæsar. He gave the full franchise to a large class in the Po-basin who did not possess it previously, and also to many cities in

Gaul. He intended, apparently, to consolidate the empire by giving an equality of civil and political rights to all the provinces. He increased the number of senators to nine hundred, and among his appointees selected many from various Italian cities, so that under him the senate ceased to be composed exclusively of residents of the capital. He even took some of his senators from Gaul. He did not have time to indicate the measure of authority that he intended to leave to the senate.

He protected the provincials against extortion. He preferred the collection of taxes by state officials to that by contractors who employed ruffians as their subordinates, and systematically bribed the governors and their dependents to protect the ruffians. He required that one-third of the laborers employed on every large estate should be freemen. He announced his purpose to drain the Pontine marshes. He projected a codification of the civil law, and he founded the first public library in Rome.

He reformed the calendar, by adding ten days and a quarter to the old Roman year, the quarter of a day being arranged for by making every fourth year one day longer than the intervening three. The year 46 B. C., which otherwise would have ended in October, received an addition of sixty-seven days in two intercalary months, so as to make the new year begin with the first full moon after the winter solstice. In fixing the beginning of the year in his calendar Cæsar made a concession to popular superstition which considered the full moon as propitious to new enterprises, though he personally would doubtless have preferred the solstitial day, a week earlier. The old system of an occasional intercalating month by the arbitrary order of the chief pontiff came to an end, and the years began to be of uniform length.

CHAPTER XXX.

THE PAGAN EMPIRE.

SECTION 476. *Augustus*.—In March, 44 B. c., Cæsar was assassinated by a band of narrow-minded, envious, and rapacious senators. The best of the party was Marcus Brutus, who was an accomplice in the murder of the town councilors of Salamis in Cyprus, one of the most brutal outrages of republican Rome. The conspirators, having made no preparation to profit by their crime, were compelled to flee from Italy, and to recruit a military force in Greece. Lepidus who commanded a small army near Rome, Mark Antony who was one of the consuls, and Augustus, the nephew and heir of Cæsar, became the leaders of the popular party. They followed the conspirators to Macedonia, and in 42 B. c., at Philippi, inflicted a crushing and final defeat on the senatorial party. Augustus, Antony, and Lepidus, as a triumvirate, ruled Rome. Six years later Lepidus was deprived of his share in the government; and in 30 B. c., as the result of the battle of Actium, and the subsequent death of Antony, Augustus became sole master of the Roman empire.

When he returned to Rome, he announced that the state was at peace. The temple of Janus was closed for the first time in more than two and for the second time in more than six centuries. So incredibly industrious had been this wolfish breed in the work of human butch-

ery. And yet the temple of Janus was closed too soon. The era of peace had not arrived. The Roman soldiers were still fighting with rebels in Spain.

But Augustus loved peace. He had great tact in the management of men, and eminent ability in political administration. He was merciful and economical. He hated the slaughter and devastation of war. He was not a general. He never commanded in a great battle. He had no longing for military glory. He did not wish to enlarge the empire unless in those places where a more secure boundary could be obtained by an extension. He wished to avoid the organization of extensive armies, under commanders who might aspire to the throne.

His subjects generally shared his desire for peace. The news that the temple of Janus had been closed, and that Augustus had made the event the occasion of a celebration, was received with general rejoicing from Egypt to Britain. The people hoped that the time had come when the fearful bloodshed of Roman history was to end. They had confidence in the emperor. For twelve years, as triumvir and duumvir, he had ruled with clemency over the western division of the empire. He had been economical with the money and the blood of his subjects. He had served a long probation in the art of government without exposing any serious defect of character. And yet he was only thirty-three years of age when he became sole master of Rome, and he might rule the state in peace for more than a generation. These happy anticipations were realized. His long reign was relatively the most beneficent in history. Under him war was displaced by peace; terror by confidence; confusion by order; privation by abundance; and extortion in administration by honesty.

Among the characteristics of the reign of Augustus were the rebuilding of the capital and a literary activity previously unknown in Rome. He said that he found Rome brick and left it marble. The revenues of the Romans had greatly decreased when the system of plundering the provinces without mercy came to an end, but peace, confidence, and economy enabled two generations under the empire to do more in beautifying the city than had been done by six previous generations.

SEC. 477. *Policy of Augustus.*—Augustus carefully avoided the show and titles of despotism. While ruling with autocratic power, he pretended to be governed by the advice of the senate. Laws were enacted by that body with the concurrence of the centuriate assembly. Consuls were elected as under the republic, but they were designated by the master of the state. He himself was elected consul at first for a year, afterwards for five years, and finally for life. He was also censor for life and in that capacity could appoint and remove senators. He accepted, and doubtless ordered his appointment as exclusive tribune for life, and in that capacity could prohibit any official act which displeased him. It was not until 11 B. C., nineteen years after he became sole ruler of the empire, that he became Pontifex Maximus, or Chief Pontiff, the recognized head of the religion of the state. He had doubtless wished for that office ever since he had compelled Lepidus, its incumbent, to withdraw, in 36 B. C., from the triumvirate; but to obtain it he would not resort to violence or threats, or even a request.

He paid much regard to the feelings of the senators. He took care that their dignity should be respected. He removed disreputable men from their list. To some who were not rich enough to live in the style which he con-

sidered proper for a senator, he gave valuable estates. In making appointments to offices of honor and profit, he preferred senators and members of senatorial families. He divided the provinces into two classes, senatorial and imperial, and allowed the senate to select the governors of the former while he appointed those of the latter. The imperial provinces included those which required the largest military establishments, to resist the encroachments of the Teutons, Parthians, and other formidable barbarians.

He paid salaries to the provincial governors, retained them in office for years, subjected them to strict supervision, and gave them to understand that he would not tolerate extortion. The motives which had actuated the system of plunder under the republic having been destroyed or greatly weakened, and the opportunity to practice it without danger having been taken away, the governors ruled over their provinces in a creditable manner, and the people became sincerely attached to Rome. The empire secured peace and order to its subjects, such peace and order as the countries bordering on the Mediterranean had never enjoyed.

Though he appointed Romans to nearly all the high military offices, Augustus took most of his soldiers from the Teutons, Thracians, Epirotes, and Macedonians. He not only excluded the Italians and provincials generally from the army, but he forbade them to possess arms. Thus, while he diminished the danger of civil war, he prepared the empire for conquest by the barbarians, who had the only large number of men trained systematically in the use of weapons.

Under the republic, the Romans made war for slaves, cattle, metals, and land, the slaves being the most valu-

able kind of the booty for immediate profit. When the policy of peace was adopted, the supply of slaves ceased, and the demand for them diminished, because Italy and the provinces were not depopulated by war and famine. In several places Augustus established captives taken in war, in colonies, under a law forbidding the colonists to leave the tracts assigned to them, and requiring them to pay a certain share of their crops to a landlord who was to keep a supervision over them. This system of serfdom, established in a few places and in small areas, attracted little attention at first and spread slowly, but in later centuries it expanded until it covered a great part of Europe. It had its source in the peace of the Roman empire.

The provinces, relieved from senatorial tyranny and extortion, felt the impulse of prosperity as soon as the empire was established, but while under Rome, some of them never regained the wealth and population which they had before they became her subjects. Greece, ruined by the tyrant city of the Tiber, in the time of the republic, never recovered her industrial eminence or literary leadership, nor even made any notable steps towards a recovery. Of all the provinces, Gaul received the most benefit from the Roman conquest, which found her poor, barbarous, discordant, and almost anarchical, and conferred on her wealth, harmony, security, and civilization. Spain and the provinces along the southern bank of the Danube were also greatly benefited in a similar manner, but not to the same extent. Asia Minor enjoyed its highest prosperity in the three centuries after the death of Julius Cæsar.

The rule of Augustus was an enlightened and clement autocracy, conducted in the interest of the population of

the whole empire. It introduced a great number of reforms in all the departments of the government, including political, military and judicial. The provincial cities were made less dependent on central dictation; the provinces were brought into more intimate relations with each other by improved roads, regular couriers, and more liberal trade regulations; and local councils were held for the advancement of provincial interests. Julius Cæsar had made some important reforms, and had directly or indirectly suggested others, most of which Augustus established; but the latter also introduced many measures original with himself and of great political merit. His work in the organization of the Roman empire is perhaps the most difficult and valuable political achievement of one man known to history.

When the republic was overthrown, great changes for the better were made, not only in the decrease of civil war and the diminution of provincial plunder, but also in the economy of the administration, in the protection of person and property by the courts, in the recognition of the social and political rights of the subject freemen, and even in the protection of slaves against gross cruelty; yet, notwithstanding all these improvements, the decay went on. In Rome many of the men would not marry, and many of the women would not have children.

During the reign of Augustus, there was a period of literary activity, which began to decline soon after his death, and then there was more intellectual and industrial activity in Gaul and Spain than in Italy, but not much anywhere. The accumulation of immense areas of land in the possession of some few families, the multitude of slaves, and the neglect of tillage were evils that were destroying the vitals of social and political prosperity.

The Romans looked with apprehension at Germany. They were forbidden to bear arms. They were growing weaker, while the northern barbarians were increasing in strength. The Teutons were learning discipline, accumulating money and weapons, while serving in the imperial armies, and predicting that their descendants, at no distant time, would revel in the spoil of Italy.

SEC. 478. *Prætorian Law*.—Until the end of the republic, the XII Tables were nominally the chief source of the Roman law, though most of their provisions had been abrogated, amplified, or otherwise modified by the enactments of the centuriate and tribal assemblies and by the edicts of the prætors. The laws of the people were recorded on three thousand bronze plates, which were not easily accessible; and their contents were not only difficult of ascertainment, but were in many points confused and conflicting.

The limitation of the office of prætor to a single year, the custom of selecting a new man for every term, the usual neglect of all legislation which did not advance the personal interests of some influential politician, the hostility between the senate and the centuriate assembly on one side and the tribal assembly on the other, and the rule that every prætor must publish, at the beginning of his year, the laws which he would enforce, were prominent features in the highly defective legal system of the republic.

It was not until 264 B. C., more than a hundred years after the creation of the office of prætor, that a second prætorship was established, with a distinct jurisdiction, the urban prætor taking charge of cases in which both parties were citizens, and the alien prætor taking those suits in which at least one party was not a citizen. Be-

fore the alien prætorship was founded, Rome had obtained dominion over Italy, with a large population of Latins, Italians, and allies. It had become necessary to have a court in which the property rights of subject freemen could be protected.

The alien prætor soon became an important personage. He had a large amount of litigation to dispose of, and he was less hampered by ancient formulas than the urban prætor whose citizen litigants demanded adherence to ancient customs and to the letter of the XII Tables. Alien litigants had no written law and less claim to the observance of formalities; and therefore the alien prætor could establish his own methods of procedure. At some unknown time a prætor, and, presumably, an alien prætor, published an edict, stating that in his court he would observe certain principles supplementary to the XII Tables. This act having been approved by public opinion, a later prætor adopted this edict in the main, and made some additions. A still later prætor ventured to adopt principles inconsistent with the XII Tables, in the interest of justice; and then custom required every prætor, whether in the alien or urban department, to publish his edict at the beginning of his term, copying if he saw fit that of his predecessor, and usually taking the advice of some lawyer before publication. Thus in the course of years the civil law of Rome took a creditable shape without interference by senate or people.

When the prætor announced that he would enforce a new principle, he was careful to pretend, with lawyer-like phrases, that he was complying with the spirit and purpose of the XII Tables. The Decemviral code provided that a prescriptive title to property might be obtained by twelve months of undisturbed possession; the prætor de-

creed that, in some cases, three months should be sufficient. The Decemviral code did not recognize attorneys; the prætor did. The XII Tables gave to the defendant the privilege of refusing to go before the magistrate; the prætor made his property responsible for a refusal. The XII Tables conferred rights on the heir who had been appointed with certain formalities; the prætor's edict said that he would recognize the rights of a person appointed without those formalities "as if he were an heir." The prætor did not say that the person appointed informally was an heir, but that he should be treated by the courts as if he were. A distinction of terms without a difference of rights is not a modern invention.¹

We have no copy of a prætor's edict issued under the republic, nor any connected account by a Roman author of the development of jurisprudence in any period of the state. About 80 B. C. the prætor's edict was more bulky and more important in practice than the Decemviral code, but the latter was still nominally, at least, in force, and was studied by those young patricians who looked to learning rather than to arms for their advancement.

Out of more than four hundred men who held the office of prætor under the republic, not a score had any repute for knowledge of the law, and many of them were rude soldiers without learning of any kind. The most distinguished scholar among them was Cicero, and he declared that he was an advocate, not a jurisconsult. Among the numerous legal authorities cited in the compilations of Justinian, the name of Cicero does not appear even once.

SEC. 479. *Imperial Law*.—After the establishment of the empire the tribal assembly was never convened, and the centuriate assembly was invited on rare occasions to

give its sanction to laws. No bill was enacted until it was proposed by the emperor, and every measure urged by him was adopted. The resolutions of the senate approved by him obtained the authority of law and soon became the chief class of legislative acts. After 100 A. D. the popular assembly was never convened, and a century later imperial decrees, issued without the concurrence of the senate, were the only laws. These decrees—I use that word to include numerous different forms in which the emperors exercised their exclusive legislative power—were published in circulars, and a copy of each was sent to every high official in the empire. “For the prevention of fraud or falsification [of the decrees], special care was taken, and precise methods of testing the genuineness of the rescripts were prescribed. Thus the original had to be produced, bearing the properly authenticated signature of the emperor; the date and year had to appear on the face of it; the color of the ink and the nature of the substance to be written upon were exactly indicated. All rescripts resting on false allegations of fact or found to be in violation of the public interests or common law were . . . invalid. This last provision must have opened out the way to an almost indefinite amount of argument whenever a rescript was produced in court.”¹

Under the empire the prætorship, instead of being mainly political and military, became a judicial office. The term instead of being limited practically to a single year was prolonged. A salary was given to it. The appointment was offered, not to spendthrifts of senatorial family who were ready to give large bribes to the people, but was bestowed on scholars who had studied law and were supposed to be fit for judicial position. The prætors

became responsible, not to senators who wanted to plunder the provinces, but to an emperor who wanted justice. These changes greatly influenced the judicial department of the government. The courts rose in credit. The laws were developed. Schools were established for their study. Books were published to explain them. Controversies about legal principles attracted attention. Old forms of action were abrogated and new ones were introduced.

Augustus licensed distinguished juriconsults, and issued orders that their opinions on points of law, when produced in the courts, should be accepted as authoritative; and if unanimous, as conclusive. The opinions were to be rendered in writing at the request of any litigant, but were to be sent in sealed envelopes to the court, before which the case was tried. It has been supposed that these juriconsults were members of a corporate body or college.

Under Hadrian, and probably at his suggestion, about a century and a half after the establishment of the empire of Augustus, Salvius Julianus, a lawyer and prætor, prepared an edict comprising all the sound legal principles previously adopted in the prætorian edicts, besides many others, and this document was published by Hadrian as his edict, of permanent authority throughout the empire. Its comprehensiveness and its durable character had a great influence in stimulating the study of the law, and its publication was soon followed by the appearance of a succession of law writers far more learned than any who had previously appeared. It was not intended to be final. It might be amended by the emperor, and as to those points in regard to which it laid down no rules, it might be supplemented by any prætor; and the supplementary

provisions when adopted by the emperor became the law for all parts of the empire.

SEC. 480. *Roman Law Books*.—The earliest Roman law book of note, that of Flavius, published in 310 B. C., contained the formulas in which lawsuits were conducted, and a list of the days when courts might be held. The information thus given to the people had previously been the exclusive possession of some patricians, who used it as a secret means of levying an oppressive tribute on litigants. The next notable law book, that of Ælius, who was consul in 198 B. C., commented on the XII Tables, explained the meaning of disputed passages, and gave a new collection of formulas for legal papers. His work was called by Pomponius "the cradle of the law," as if it were the first that gave a statement of the principles of jurisprudence. Quintus Mucius Scævola was the earliest distinguished lawyer of a family that held a prominent place in the Roman courts for several centuries. According to Pomponius, he "first constituted the civil law." All of these books, as well as that of Sulpicius Rufus, published about 65 B. C., the last of note under the republic, have been lost. Nearly everything considered worthy of preservation by the later Roman jurists, and they have transmitted to us a large amount of legal material, was of imperial origin. The works of Cicero, including his arguments in court, his letters and his books on government and law, convey the general impression that the definitions of legal rights and remedies in his day were vague and incomplete.

The oldest Roman treatise on law now in existence, that of Gaius, who wrote about 160 A. D., is a comprehensive work, admirable in its arrangement and clearness of expression, and is studied and worthy of study in our

day. It is styled *Institutiones* or Institutes, and its arrangement and material are copied in the elementary law book of Justinian, and have since been copied in many of their features by such modern authors as Blackstone and Kent.

Of Gaius we know but little more than that he was a teacher of law, and that he died at the age of fifty-five, about 170 A. D. It is supposed that his book is a summary of the lectures which he delivered to his students. His full name and his place of birth and residence are unknown. The next great name in the list of Roman lawyers and law writers is that of Papinian, a high judge, who was executed because he refused to approve and publicly commend the murder of Geta by his brother, the emperor Caracalla. Ulpian and Paulus were pupils of Papinian, and Modestinus, who died in 245 A. D., was a pupil of Ulpian, and the last of the great law writers of ancient Rome. Ulpian composed an elementary book, a portion of which has been preserved. Papinian, Paulus, and Modestinus wrote works of which we have nothing save disconnected paragraphs preserved in the compilations of Justinian, but enough to prove that they were learned and able jurists.

The reputations of Gaius, Papinian, Ulpian, Paulus, and Modestinus were so high that an imperial decree issued in the Vth century A. D. declared them to be the controlling authorities. Any opinion in which all of them or a majority of them agreed, or in which Papinian was supported by one of the others against any other two, was to be accepted as the law. Of the five, Sheldon Amos says: "All but Gaius held high offices in the state, and generally enjoyed the personal confidence of the reigning emperor and his family. They are all represented as

either professional teachers of law, or they published treatises of a strictly educational character. They are generally described as men of great moral worth as well as intellectual eminence, and some facts in their lives, as well as their surviving works, certainly justify this description. Lastly, they combined all the qualifications needed to construct a dominant and lasting school of legal thought. They were in active intellectual sympathy with each other; they were historical without being antiquarian in their conceptions; they were severely logical without being aware of the limits within which formal logic is alone applicable to legal and ethical notions; and they were never indifferent to the claims of abstract justice, even when those claims had, for the moment, to give way to the demands of positive legislation, inveterate usage, or voluntary agreement. Thus the great race of jurists, of which the five commemorated are the most notable members, had all the capacity, in their personal endowments, needed for building up a comprehensive, exact, and skillfully adjusted legal system; as writers they had all the disposition to communicate their ideal, not only to their own generation, but to the next; and as active statesmen in the constant employ of a government which reposed complete confidence in them, they had all the opportunity, as well as the impulse, to impress their conceptions on the law of the empire."¹

After Modestinus there was no original author among the lawyers of the Roman empire. Work of great value was done at Constantinople in the VIth century A. D., under the direction of Justinian, in collecting and arranging the principles of law as laid down in earlier times, and it was done with industry, learning, and judgment, but it was distinctively compilation, without venturing

beyond the phraseology of the old authorities and without filling the omissions or correcting the discrepancies that existed in many places. The fact that the codification was in Latin, while the codifiers were all Greeks, living at a Greek court, is one of the evidences that the enterprise was not considered as one of much original thought.

The Digest of Justinian contains 150,000 lines and more than nine thousand paragraphs, copied from thirty-nine authors, and includes nearly all the precepts of the Roman law accepted in the middle of the VIth century A. D. Ulpian supplies more than twenty-four hundred extracts; Paulus, more than two thousand; and Papinian, Pomponius, Gaius, Salvius Julianus, Modestinus, and Cervidius Scævola, each between three hundred and six hundred. Together these eight, who wrote between 100. and 275 A. D., furnish more than seven thousand extracts. Other authors of the same period supply sixteen hundred more, leaving only six hundred for the periods before 100 A. D. and after 275 A. D. The authors of the republic and of the empire under the Christian emperors, contributed very few extracts to the Digest. The earliest law writer considered worthy of mention in this collection is Quintus Mucius Scævola, who was an old man when Cicero became prominent in Rome.

SEC. 481. *Gaius*.—For the purpose of giving the reader an idea of the condition of the law in the time of Marcus Aurelius, about 150 A. D., and also for the purpose of throwing light upon various features of Roman life, some quotations from the work of Gaius, as translated by Poste, are here presented.

I. 2. "Roman law consists of statutes, plebiscites, senatus consults [senatorial resolutions], constitutions

[decrees] of the emperors, edicts of magistrates authorized to issue them, and opinions of jurists."

I. 3. "A statute is a command and ordinance of the people, a plebiscite is a command and ordinance of the commonalty. The commonalty and the people are thus distinguished; the people are all the citizens, including the patricians; the commonalty are all the citizens except the patricians. Whence, in former times the patricians maintained that they were not subject to the plebiscites, as passed without their authority; but afterwards a statute called the *Lex Hortensia* was enacted, which provided that the plebiscites should bind the people, and thus plebiscites were made co-ordinate with statutes."

I. 8. "The whole of the law by which we are governed relates either to persons, or to things, or to procedure; and let us first examine the law of persons."

I. 9. "The first division of men by the law of persons is into freemen and slaves."

I. 10. "Freemen are divided into freeborn and freedmen."

I. 11. "The freeborn are free by birth; freedmen, by manumission from legal slavery."

I. 12. "Freedmen, again, are divided into three classes, citizens of Rome, Latins, and persons on the footing of enemies surrendered at discretion. Let us examine each class in order, and commence with freedmen assimilated to enemies surrendered at discretion."

I. 13. "The law *Ælia Sentia* enacts that slaves who have been punished by their proprietors with chains, or have been branded, or have been examined with torture on a criminal charge and have been convicted, or have been delivered to fight with men or beasts, or have been committed to a gladiatorial school or a public prison, if

subsequently manumitted by the same or by another proprietor, shall acquire by manumission the status of enemies surrendered at discretion."

I. 15. "Slaves tainted with this degree of criminality, by whatever mode they are manumitted and at whatever age, and notwithstanding the plenary dominion of their proprietor, never become citizens of Rome or Latins, but can only acquire the status of enemies who have surrendered."

I. 16. "If unstained by offenses of so deep a dye, manumission sometimes makes the slave a citizen of Rome, sometimes a Latin."

I. 17. "A slave in whose person these three conditions are united, thirty years of age, quiritary [legal as distinguished from equitable] ownership of the manumitter, liberation by a civil and statutory mode of manumission, that is by default in a fictitious vindication, by entry on the censor's register, or by testamentary disposition, becomes a citizen of Rome; a slave who fails to satisfy one of these conditions becomes only a Latin."

I. 18. "The requisition of a certain age of the slave was introduced by the *Lex Ælia Sentia*, by the terms of which law, unless he is thirty years old, a slave cannot on manumission become a citizen of Rome, unless the mode of manumission is fictitious vindication, preceded by proof of adequate motive before a body of judicial assessors of the *prætor*."

II. 12. "Again, things are either corporeal or incorporeal."

II. 13. "Things corporeal are tangible, as land, a slave, clothing, gold, silver, and innumerable others."

II. 14. "Things incorporeal are intangible; rights, for instance, such as inheritance, usufruct, obligation, how-

ever contracted. For though an inheritance relates to things corporeal, and the fruits of land enjoyed by a usufructuary are corporeal, and obligations generally relate to the conveyance of something corporeal, lands, slaves, money, yet the right of succession, the right of usufructuary enjoyment, and the right of the contractor, are incorporeal. So are the rights attached to property in houses and land, denominated servitudes or easements."

III. 148. "A partnership either extends to all the goods of the partners or is confined to a single business, for instance, the purchase and sale of slaves."

III. 149. "It has been much canvassed whether the law would recognize a partnership formed on the terms that a partner should have a greater share in the profit than he has in the loss. Quintus Mucius thought such an arrangement contrary to the nature of partnership, but Servius Sulpicius, whose opinion has prevailed, held that such a partnership was so far from invalid that a partnership might be formed on the terms that a partner should have a share in the gains and none in the losses, if the value of his services made such an arrangement fair. It is certain that a partnership may be formed on the terms that one partner shall contribute all the capital and that the gains shall be divided equally; for a man's services may be equivalent to capital."

III. 150. "If no agreement has been made as to the division of the profit and loss, it must be in equal shares. If the shares are expressed in the event of profit, but not in the event of loss, the loss must be divided in the same proportions as the profit."

A comparison of these paragraphs with those of modern laws relating to the same subjects, shows that the Romans of the IInd century A. D. knew nearly as much

as the most enlightened nations of our own time about the principles of industrial justice, and also about the art of legislative expression. In reference to the laws relating to women and slaves some remarks will be made in Chapter XXXIII.

SEC. 482. *Later Emperors*.—Augustus was succeeded in 14 A. D. by his stepson, Tiberius, who reigned twenty-three years, and died at the age of seventy-nine, after he had shirked the toil and worry of the imperial office in his last years. He was a capable man, and in the earlier portion of his reign he worked hard to apply and develop the policy of his predecessor, in the interest of order and peace. For the purpose of having a military force within easy reach and ready for prompt action in any emergency, he established near Rome a small standing army known as the Prætorian Guard, which, in later times, exercised a most pernicious influence on the government by deposing and choosing emperors, dictating terms to them, and making the throne an article of merchandise to be sold to the highest bidder.

After Tiberius, the reigns of Caligula, Claudius, Nero, Galba, Otho, and Vitellius filled a period of thirty-two inglorious and disgraceful years. These six emperors all died by violence.

In 70 A. D. Vespasian, an able and good man, became emperor, and when he died, his son Titus, equally good and able, succeeded him. The reigns of the two made up only eleven years. After Titus came his brother Domitian, who was weak and wicked. He occupied the throne for fifteen years, and died by assassination. After him came the five good emperors, Nerva, Trajan, Hadrian, Antoninus Pius, and Marcus Aurelius, whose reigns filled the space of eighty-four years, and who are the most re-

markable cluster of wise and just monarchs that ever occupied the same throne in continuous succession. Gibbon says, "If a man were called upon to fix a period in the history of the world during which the condition of the human race was most happy and prosperous, he would, without hesitation, name that which elapsed from the death of Domitian to the accession of Commodus;" and he adds that the reigns of Antoninus Pius and Marcus Aurelius are distinguished above all others by the fact that in them "the happiness of a great people was the sole object of government."

Titus inherited the throne legitimately from his father in 79, Domitian from his brother in 81, and Commodus from his father in 180 A. D. Of seventeen sovereigns who held the throne in more than two centuries after the foundation of the empire, only three had inherited it from a father or brother. There was a remarkable scarcity of sons in the imperial families. Between 185 and 300 A. D. the throne was transmitted not by blood but by military favor.

Several of the emperors had admitted considerable numbers of free subjects to full citizenship, but Caracalla, who ascended the throne in 211 A. D., admitted all. Every extension of this political privilege reduced the importance of the capital, the influence of which was further diminished by the increasing prosperity of the provinces, while Italy and Sicily, divided into great estates occupied by slaves, remained nearly stationary. Gaul, Spain, Roman Asia, and Roman Africa became superior to Italy and Sicily in industry, wealth, literary activity, and military power. The frontiers supplied the armies, the generals, and the emperors.

When Diocletian became emperor, in 284 A. D., he saw

that he could not reside in Rome with advantage to the empire. He must be nearer to the Persian and the Danubian frontiers, which were then the chief scenes of danger. An experienced soldier, confident in his own powers of control, and having three subordinates whom he could trust, he shared the imperial dignity with them, and divided the empire into four divisions, with a resident master in each, so that no province should be beyond the direct observation of a competent ruler.

In the reign of Augustus, Jesus of Nazareth was born, and in that of Tiberius he was crucified. We hear of Christians at Rome in the reign of Nero, when they became the victims of persecution, to which they were exposed at intervals for nearly two centuries and a half. The rise of Christianity is the subject of another chapter.

SEC. 483. *Cities under Rome*.—When they became subject to Rome, nearly all the Italian, Sicilian, Greek, Phœnician, and Carthaginian cities had republican institutions, which were not overthrown, though in many cases modified by aristocratic changes. A local nobility, supposed to be favorable to the interests of the imperial authority, had control of the local administration, with power to elect the magistrates, and the councilors, though in some cities the latter officials included all those who had served their terms in the chief executive offices, of which there were two, of equal authority, called in the Latin cities *duumvirates*. Under the *duumvirs* were two *ædiles*, who had charge of the streets, markets, and public buildings, and exercised judicial powers in petty criminal cases. In the larger cities there were two *quæstors*, whose functions included charge of the city finances.

The subject cities generally were required to contribute a certain sum annually to the imperial treasury, and

the local officials were made responsible for the payment. But as the wealth and population of some provinces declined very seriously in the IInd and IIIrd centuries of our era, the collection of the amounts previously exacted became difficult or impossible; and magistrates and councilors, to avoid trouble, resigned their offices, and migrated to new homes. To prevent such evasions laws were enacted; the office once accepted or imposed could not be abandoned; in some instances it was made hereditary; and the city councilor was attached to his city as a serf to the land of his master. Every city had its defensive wall; and every person who had a share in the government must have his residence within the wall. The jurisdiction of the city might extend to a considerable adjacent district. The empire was an aggregation of little republics, each exercising power nearly absolute in its local affairs, though the emperors could interfere in such matters if they saw fit.

Because of their fortifications, their wealth, the number and intelligence of their inhabitants, and their control over the roads, the cities were of great military value, and were systematically favored by the emperors. Nearly as much indulgence was shown to the cities of the Greeks in the east as to those of the Latins in the west. In some cities, as in Alexandria and Antioch, the Jews were allowed to be subject to their own officers, and this was considered a decided advantage; and many persons of other nationalities became converted to the Jewish religion for the purpose of being under the jurisdiction of the Jewish judges.¹

SEC. 484. *Provinces*.—In the year 300 A. D., with which, so far at least as Europe and Africa are concerned, this volume terminates, Italy had lost control of the empire

and had ceased to furnish men for the army. Save in name, Rome was no longer the capital. The chief centers of military, industrial, and intellectual activity were not the central regions of Italy and Greece, but the peripheral provinces of Spain, Gaul, Asia Minor, Syria, Egypt, and Carthage.

A linguistic line divided the empire into two main divisions. In Italy, Carthage, the regions to the west of them, and the provinces in the basin of the Danube, Latin predominated and afterwards became almost the exclusive tongue; in the other provinces, Greek was the speech of the schools and of commerce, and, except in Armenia and the basin of the Euphrates, was steadily encroaching on the barbarian languages, among the common people. The government fostered the Greek in the east and the Latin in the west. The two were treated as the sister tongues of Roman civilization.

The region between the Rhine and the Elbe, after having been subject to Augustus for twenty years, had recovered and maintained its independence, with the exception of a triangle at the mouth of the Rhine. That belonged to the province of Lower Germania, which included all of what is now Belgium and part of the Prussian Rhine province, as far south as Cologne; and the province of Upper Germania included a portion of the Prussian Rhine province, all of the Bavarian Palatinate, all of Alsace, and part of France near Besançon. A considerable region on the west bank of the Rhine was considered Teutonic rather than Celtic when captured by the Romans. Dacia, including the districts now known as Moldavia and Bessarabia, north of the Danube near its mouth, after having been subject to Rome for a century and a half, in which time it was well Latinized, had been

subjugated in 254 A. D. by the Goths, and thrown back into a condition of barbarism. All that part of the Danube basin south of the river, including much of Bavaria and Austria, and all of Bosnia, Servia, and Bulgaria, had been added to the empire after 100 A. D., and most of it had come completely under the control of fortified towns, in which the Latin tongue and the arts of civilization were established.

The nationalities of the Basques, Spanish Celts, Gallic Celts, British Celts, West-Rhine Teutons, Mœsians (in Bulgaria), and Carthaginians, outside of Italy, as well as of the Samnites, Marsians, Campanians, Tarentines, Etruscans, Ligurians, and Po-Basin Celts in Italy, had been completely destroyed; and their places had been taken by cities, Roman in government and Latin in speech, ruling over dependent districts in which the remnants of the earlier tongue and barbarous modes of life, if such had existed at the time of the Roman conquest, were steadily disappearing, if they had not entirely disappeared.

Rhætia, Noricum, Pannonia, Illyria (between the upper Rhine and Mœsia), and Numidia, had not suffered so much change in population as had the provinces previously mentioned, but they too had become predominantly Latin in the speech of their cities, and entirely Roman in their government. If they could have remained subject to the Roman empire for two centuries more, they would probably have been as well Romanized as were the valleys of the Rhone and Seine.

Of all the Latin portions of the empire Gaul was the most prosperous, though it had suffered from several Teutonic invasions, one of which had been strong enough to force its way through to Spain, and thence to Africa.

The only language of the cities and schools was Latin; and of the ignorant inhabitants in the rural districts, probably as many made use of the Basque as of the Celtic tongue. The people had no ambition to establish a new Gallic nationality. They were attached to Rome by fear of the Teutons, by their large admixture of Latin blood, and by their desire to preserve intimate commercial and intellectual relations with Greece, Asia, and Africa through Italy.

Lyons was the chief city of Gaul, and, with Cadiz, Padua, Carthage, and the Cappadocian Cæsarea, it belonged to the cities of the second class in population. Those in the front rank were Rome, Alexandria, and Antioch. When the Imperial City suffered by the great conflagration of 64 A. D., Lyons sent \$200,000 to the sufferers; and when she in turn was devastated by fire in the following year, she received \$300,000 in charity from Rome. Spain was as prosperous, and its cities were as thoroughly Latin in speech and feeling, as were those of Gaul. The province of Carthage was prosperous, and its capital, having been re-established about 120 B. C., had grown to be one of the leading cities of the empire, and had become the chief center of activity in Latin literature.

Asia Minor was more prosperous under the pagan empire than ever during any period of equal length, before or since. Neither the Persian, nor the Macedonian, nor the Byzantine, nor the Moslem ruled with so much wisdom and justice as did the Roman from Augustus to Diocletian. Besides having an active industry, Asia Minor made notable contributions to Greek literature. Its cities were Greek in their speech and institutions, and many of the country people had abandoned their barbarous languages. Greece and Macedon had been devas-

tated by Goths and were poor in population, industry, and literature.

Syria had suffered from a brief and destructive Persian invasion; but had recovered from its losses and had gained confidence in the future. This province was the nearest to Persia, the only civilized nation that bordered on the Roman empire, and that was dangerous to it. Antioch, the capital of Syria, was the third city of the empire in wealth and population, and in some respects the most luxurious. It was the only one which lighted its streets at night, and had water pipes leading into all its houses. Its main street was wide, straight for a long distance, and on both sides was lined with magnificent buildings and shady colonnades. Berytus, a Syrian city, had a law school, which ranked with that of Rome.

The empire extended to the Caucasus and the Caspian, but Georgia and Armenia had never been brought under the control of Roman law, or of Greek or Latin municipal government and language; and, therefore, they were never Roman provinces in anything save name. Armenia was an allied principality, and so was Cappadocia, but the latter included Greek cities, which were strong centers of imperial influence.

The province of the Euphrates, including all the plain between the Euphrates and the Tigris, and some additional territory to the north and west, after having been added to the dominion of Rome by Pompey about 65 B. C., had been conquered by the Parthians, and again by the Persians; but was restored to the empire and was held by the aid of several Greek cities. Egypt was highly prosperous. Its great city, Alexandria, was Greek in tongue and government; and so were the minor cities of Ptolemais and Arsinoë.

After all the freemen had been admitted to Roman citizenship, there were still privileged classes of freemen in the empire. The first rank included the senators, and the high imperial and provincial officials. In the second grade were the high officials of the city governments; after them came the voters of the cities; and finally, the provincial freemen who had no votes in city affairs. When the soldiers could dispose of the throne, they, too, were a privileged class.

SEC. 485. *End of Pagan Rome.*—The empire had serious defects in compactness of territory as well as in uniformity of population. It was intersected and its provinces were separated by nine great natural barriers; by three of sea, three of mountain, and three of desert; by the Mediterranean, the North, and the Black Seas; by the ranges of the Pyrenees, the Alps, and the Balkans; by the deserts of Syria, of southern Palestine, and of western Egypt.

By this time the army was provincial rather than imperial; it was more Gothic than Roman. Most of the recruits were obtained in the basins of the Rhine and the Danube; and in both of those regions the people were predominantly Teutonic. Many of the soldiers were barbarians who left their native lands to learn the trade of war under Roman teaching. They were good fighters, but they had not been bred under the influences required to make them faithful to the traditions and interests of the empire. Their strongest military attachment was to their commanding general, and if he was a favorite with all the troops of the northern frontier, they were always ready to support any claim that he might make to the crown. In the last half of the IIIrd century A. D. the Danubian legions were preponderant in the army,

and they placed their countrymen—Claudius Gothicus, Aurelian, Probus, Diocletian, Maximian, Constantius, and Galerius—on the throne.

The cities were not allowed to have arms nor drill-masters of their own. Their garrisons, if any, must be under the command and pay of the emperor, and composed of soldiers, who, as a class, were not Italians or Greeks. The provinces were not permitted to organize troops for defense against threatened invasion, even when the imperial forces were elsewhere employed, as they sometimes were in the wars between rival claimants for the crown. The barbarians might devastate the frontiers, but citizens in arms might change their rulers. The emperors preferred their own security to that of their subjects.

Augustus requested the council of every city of Gaul to elect a delegate to a provincial council to be held annually at Lyons; but he did not give to this provincial assemblage enough authority to make it important; and, therefore, it never became a prominent feature of life under the pagan empire; nor was it introduced in most of the other provinces. Its main functions were ecclesiastical rather than political. No emperor of Rome attempted to establish an imperial council composed of representatives of all the provinces.

The customs of organizing the armies on the frontiers, of accepting aliens as recruits, of forbidding the common people to possess arms, and of allowing the armies to place their favorites on the throne, greatly weakened the empire and prepared it for dissolution. While it was declining, several enemies were rising in military power. On the north the Teutons were improving in culture; and many of them were learning the art of war in the

Roman legions. In the IIIrd century A. D. they devastated Greece and Macedonia, and occupied considerable portions of Gaul and of the Roman provinces in the basin of the Danube. The Persians, under the Sassanide dynasty, and overran several Roman provinces, including Syria, but were soon expelled, so that in 300 A. D. the Caspian and the Tigris were still portions of the eastern boundary of the empire.

We have reached the end of the political growth of Rome; in later years her political changes were nearly all in the direction of decay. The pagan empire had lasted three centuries and had given to its subjects more peace than the occupants of the same territory had ever enjoyed before or have ever enjoyed since. In the justice, liberality, and intelligence of its rule over numerous heterogeneous nationalities it has had only one equal in history, and that is the British imperial government as improved in the XIXth century. It is the most glorious, or the only glorious, portion of Roman history. It developed a number of sovereigns remarkable for goodness or greatness, or for the combination of both these qualities. No other throne can boast a collection of monarchs so admirable in character as were Augustus, Tiberius, Vespasian, Titus, Nerva, Hadrian, Trajan, the two Antonines, Septimius Severus, Alexander Severus, Aurelian, and Diocletian. It was under the pagan empire that the civil law was first carried to a high development and administered by learned and impartial judges; that wise and just rulers made the welfare of many millions of people the main object of their ambition; and that the most brilliant poets, the ablest historians, and the most distinguished ethical philosophers, of Rome made their appearance.

CHAPTER XXXI.

ROMAN RELIGION.

SECTION 486. *Greek Analogies.*—The religion of ancient Rome was similar to that of Greece in its general conceptions; in its modes of worship; in its polytheism, its idolatry, and its temples; in its ideas of propitiating the deities by feasting and honoring them; in its multitude of gods and goddesses, many of whom had local and professional jurisdictions; in its distinct ceremonials of devotion to the deity of the nation, to that of the clan, and to that of the household, the last being the most important to the individual worshiper; in its sacerdotal organization, the priesthood of each temple being independent of all other priesthoods; in the subordination of the ecclesiastical to the political influences in the state; and in the lack of a written creed, and of a divine or divinely commissioned founder. The Romans were like the Greeks also in the fact that their leading thinkers had rejected polytheism and had adopted a belief in a single deity governing the universe. This idea is very distinctly expressed in the writings of Cicero, Seneca, Epictetus, and Marcus Aurelius. Virgil, in the *Æneid* says:—

“ Know first, the heaven, the earth, the main,
The moon’s pale orb, the starry train,
Are nourished by a soul,

A bright intelligence, which darts
Its influence through the several parts,
And animates the whole."¹

As in Greece after 450 B. C., so in Rome three centuries and a half later, many of the intelligent paid reverence in public to the popular religion in which they had lost all faith. They valued the ancient superstition as "a powerful instrument for keeping the people in subjection." Merivale tells us that "among the Romans the men of higher light and deeper insight, who impugned the accredited faith of the people, carefully abstained from any attack upon their formulas. Scævola, Varro, and Cicero avowed the principle that the errors of the vulgar and the knowledge of the wise should be permitted to coexist with mutual toleration." Marquardt says that "Scævola distinguished three kinds of religion, one that of the poets, another that of philosophers, and a third that of statesmen; that the last, even if false, was the best for the multitude, who should be kept in ignorance of the other two. To him the old faith seemed necessary for its political influence."² Aurelius Cotta, while chief pontiff, declared that "it is not well to deny the existence of the gods in public; in private, it is a different matter."

The following passage is from Polybius "The exceptional point in favor of the Roman state is its attitude towards the gods; and it seems to me that what others blame in that people really sustains Roman affairs, I mean their superstition; for this point has been so paraded by them and introduced both into private life and public affairs as to leave no possibility of going any further. It may seem wonderful to many, but I think the Romans did so for the sake of the mob. For if it were possible to collect a whole society of wise men, this kind of thing

would perhaps not be necessary, but when every multitude is treacherous and full of lawless desires, irrational impulses, and violent passion, nothing remains but to control it by mysterious fears and scenic effects. Wherefore the ancients appear to me to have introduced their notions of the gods and their views of Hades among the populace, not at random, or in any chance way; nay, rather men nowadays try to expel them at random and without good sense."³

Polybius also says, "So far then as tends to preserve the spirit of religion in the masses, we must excuse those historians who tell fables and miracles." Although Cicero observes that it is an "unaccountable thing how one soothsayer can refrain from laughing when he looks at another," yet he also declared that "I do not know, if we cast off piety towards the gods, but that faith and all the associations of human life and that most excellent of all virtues, justice, may perish with it." Mommsen remarks that the official religion of Rome was "quite candidly treated as a hollow framework now serviceable only for political machinists."⁴

These were the ideas, not of some few individuals, but of a large majority of the nobles in the late republic. The only high official who publicly denied the life of the soul after the death of the body was Julius Cæsar; and his expression of opinion on this subject, in the senate, was considered an evidence of his characteristic courage. Cicero, who in confidential letters to his friends avowed the same opinion, took the other side when he addressed himself to the public.

The points in which the religion of Rome differed most from that of Greece were the relative prominence of omens and the insignificance of oracles; the maintenance

of certain sacerdotal boards as officers of the state, and the extensive jurisdiction of several of these boards in their respective departments; the paucity and poverty of religious myths; and the plain bargaining of the man with the god for protection in payment of adoration.

In the late republic, nearly all the religious observances were reduced to the emptiest formalities without protest from anybody. At a declaration of war, it was necessary that a fecial priest should throw a spear into the territory of the enemy; but when this rule became inconvenient because of the extension of the empire, a remedy was found by inducing a prisoner to buy a piece of land near the temple of Bellona, and into this tract, called the country of the enemy, the spear was thrown. So a trick was devised to avoid the inconvenience of the ancient rule that after suffering any check, a commander of an army must not make any important move until he had taken favorable auspices in Rome. That rule could not be adhered to literally when Roman armies were separated by weeks of time from their capital, but it must not be repealed or disregarded. It was dodged by giving the name of Rome to a place near to or in the camp. The chief flamen could not take an oath, but when a man holding that sacerdotal office was elected ædile, a friend took the oath of office for him. The augur who was observing the omens for purposes of state could accept them or not at his pleasure; and if they were unfavorable, he could treat them as though he had taken no omen, and either make another observation immediately or at some subsequent time. If a person made a vow to give a certain offering to a god in case of his success in a projected enterprise, he could fulfill his promise in a figurative manner. If he vowed the sacrifice of a deer, he

might keep it by offering a sheep and calling it a deer; and if he could not or would not get an animal of flesh and blood, one made of dough or paper was accepted by the priest as a satisfactory substitute.⁵

SEC. 487. *Jupiter*.—Like other cities among the peoples of the Latin as well as of the Greek blood, Rome had her tutelary divinity, to whom she paid special reverence in his temple on the Capitol hill. For centuries great care was taken that his distinctive title of Stator, which was considered indicative of his attributes, and an indispensable part of his name, should be concealed, so that no enemy should be enabled to command his attention and then entice him away.¹

In the time of Cicero these fears seem to have disappeared, for in his second oration against Catiline, he said publicly, "Thou, Jupiter, whose religion was established with the foundation of this empire, whom we truly call stator." When a crown was offered to Cæsar, then chief pontiff, and he was hailed as a king, he replied, "I am not king; the only king of the Romans is Jupiter." The coarse conception of the gods entertained by leading statesmen in the earlier period of the historical republic may be inferred from the following offer made to Jupiter Stator in 192 B. C. by the consul Acilius Glabrio, when praying for divine aid in the war against the Syrian king, Antiochus: "If the war which the people have resolved to wage against king Antiochus shall have been carried to the end, according to the wish of the senate and of the Roman people, then shall the Roman people for ten days celebrate to thee, O Jupiter, great games; and at all the shrines of the gods, gifts shall be offered out of the sum which the senate shall have appointed; and whatever magistrate shall celebrate these games, whenever and

wherever he may celebrate them, they shall be reputed as celebrated according to divine law, and the gifts shall be considered to be duly offered.”²

When besieging hostile cities, the early Romans made a practice of reciting the following ritual for the purpose of enticing the tutelary divinity of the enemy to desert those who had long been his worshipers. After a solemn ceremonial a priest said: “O thou great one who hast this city under thy protection, I pray thee, I adore thee, I ask of thee as a favor to abandon this city and this people, to quit these temples, these sacred places, and having separated thyself from them to come to Rome, to me and to mine. May our city, our temples, and our sacred places be more agreeable and more dear to thee. Take us under thy protection. If thou doest this, I will found a temple in thy honor.”³

The captive in war, spared by the Romans, was required to say: “I give my person, my city, my land, the water that flows over it, my boundary gods, my temples, my movable property, everything which pertains to the gods—these I give to the Roman people.”⁴ The sacred fire of the conquered city was extinguished; the worship of its tutelary divinity in that place was prohibited; and its god was annexed to Rome.

In 292 B. C. a pestilence raged in Rome, and the senate, in hope of relief from the Greek god of medicine, Æsculapius, sent a deputation to his temple in Epidaurus, to invite him to establish himself in their city. When the deputation had made its request to the assembled priests in the Æsculapian temple, one of the serpents kept there came forward, left the sacred grounds, and crawled to the seashore, where it entered the trireme of the Romans. When the vessel touched at Antium, the depu-

tation went ashore to visit a temple of Æsculapius there, and the serpent also went, and there it remained three days, before it returned to the trireme, which then went on to Rome. Having arrived there, the trireme landed on the southern bank of the Tiber, but the serpent crawled over the outer side of the boat and swam to the island, where it made its home. There the Roman temple of Æsculapius was built. It is worthy of note that this conduct of the incarnate god Æsculapius happened in the legendary period of the republic; but it was credited by historians and poets, and believed by the multitude under the empire.

SEC. 488. *Pontiffs*.—Although ecclesiastical influence was not prominent, the state had a religion, the priests of which were regarded as officers of the government. These priests belonged to five main classes. First were the pontiffs (*pontifices*), under a chief pontiff (*pontifex maximus*), who was the highest sacerdotal official. There were five pontiffs, including the chief, until 302 B. C.; and after that year, nine. Their position was held for life, and when a vacancy occurred, the surviving members of the board by a majority vote, designated a successor. They were divided into ranks, with different privileges, those who had served longest having the higher places. The board of pontiffs had books of ecclesiastical ceremonial and of sacerdotal disciplinary law; and the chief pontiff made a record of notable events, including consular elections, disasters, and wonders.

The main duty of the board of pontiffs was to supervise the sacred festivals and holy days of the state; and for this purpose they prepared an annual calendar, fixed the days for the beginning and the end of the year, and as there were only 355 days in the normal Roman year

under the system maintained from the foundation of the republic till the reign of Julius Cæsar, the pontiffs intercalated a month occasionally, so as to prevent the beginning of the year from running through all the seasons. The calendar of the pontiffs designated certain days as lucky or unlucky, on which acts of public worship, and the commencement of important enterprises, were or were not permissible. The calendar also fixed the days when the senate might sit, when the assembly of the people could be held to vote for officers or for laws. The pontiffs, following ancient custom, put eight days in a week, the eighth days, or *nundines*, being holidays, on which the peasants in the vicinity of the city usually went to the capital. On the first day of every month the pontiffs made public announcement of the date of the next *nundine*, and of all the public festivals in the month. The luckiness and unluckiness of the days, and their suitability for the public assembly, were secrets of the pontifical board until 304 B. C., when a clerk published a calendar, in which the business character of every day was marked; and from that time, the pontiffs had no control over the sacredness of the days, save in the intercalated periods.

The pontiffs had general supervision over ecclesiastical ceremonies. Without their consent no temple or altar could be consecrated in Roman territory to public worship. When application was made to them, they examined whether the site, the building, and the persons designated for the priesthood were satisfactory, and whether the endowment was sufficient to maintain the institution permanently in creditable style. It was considered impious to set apart a place to the service of a god and then abandon it or allow it to go to ruin.

The pontiffs formed parts of the courts which had jurisdiction in cases of wills, sacrilegious crime, and sacerdotal law; and it seems that these courts were the first to adopt precise forms of pleadings, many features of which were afterwards copied in the other Roman courts. It was part of the duty of the pontiffs to examine all candidates for the priesthood, and to install those who were successful, or to authorize their installation. The chief pontiff was one of the highest officials of the state, and a member of the senate. All the pagan emperors held this office.

Plutarch says: "The chief pontiff is the interpreter of the decrees of Heaven and diviner, or, rather, hierophant. He not only presides over the sacrifices of the state, but also supervises those made by individuals, and takes care that the rules of worship are not violated. Finally, he teaches what everyone must do to honor and appease the gods." Livy tells us that "all religious acts, whether public or private, were subject to the decision of the pontiff. Thus the people, when in doubt, knew to whom they should address their inquiries; and thus the disorders that might have arisen from the neglect of the national rites, or from the introduction of foreign modes of worship, were prevented. He also regulated funerals, prescribed the methods of appeasing the spirits of the departed, and indicated which, among the prodigies of lightning and other startling natural phenomena, required expiation."

SEC. 489. *Augurs*.—The augurs, of whom there were at first three and afterwards nine, were an official board, the members of which held for life, and, by a majority vote, elected persons to fill vacancies in their number. It was their duty to examine the auspices on all important

public occasions, and to declare whether the gods looked with favor upon the action proposed. No meeting of the senate or popular assembly could be held, no officer could be elected, no colony could be founded, no temple or public building could be erected, no army could start on a campaign, and no battle could be fought, unless an augur or authorized representative of the board of augurs, declared that the auspices were favorable. The habit of waiting until the omens were favorable was one of the reasons why the Romans were so careful in fortifying every camp.

The Romans had no temple similar in function and credit to that of Delphi. When about to undertake any great public or private enterprise or to do any important act, they consulted the augur, who studied the flights and cries of birds, or the *haruspex*, who examined the entrails of fowls. The favorable or unfavorable decision based on these omens was conclusive for the time. An expedition must not start, a camp must not be left, a battle must not be commenced, and an officer must not be elected or installed until the priest had obtained the consent of the supernatural powers. Piety, including devout regard for the omens and for the traditional forms of consulting them, was regarded as nearly allied to patriotism, and as one of the highest requisites in an officer of state.

“The religion of ancient Rome is pervaded by the belief that man neither can nor should foreknow future events, and that the gods should not assist him to gain such foreknowledge; but that the highest and best Roman god, father Jupiter, not only approves or disapproves every act in which man freely engages, but also, before its commencement, gives, to the well-informed man, visible and intelligible signs of approval or disap-

proval. Under such circumstances, man can assure himself of success in life by employing a competent adviser who observes and reports the signs, and by abstaining from every project disapproved by them. The signs given by Jupiter for this purpose are of many kinds. Those of importance are not called out by any intentional action of man, such as throwing dice, but are natural celestial phenomena. A distinction is made between signs, in reply to questions, and other signs which offer themselves accidentally or unexpectedly to the observer."¹

The augurs divided the divine signs intended for human guidance into six classes. First, were the celestial auspices or meteorological phenomena, especially lightning, which was favorable when it passed from left to right, and unfavorable when from right to left. Second, were the ornithological auspices, including the flight and cries of wild birds, and also the manner in which hens picked up their food. It was a favorable sign that a hen, after picking up a grain of corn, allowed it to fall to the ground. The augurs kept numerous hens in a hungry condition, and in their struggles to get their shares of food, many grains were seized so hastily that they slipped from the bill. Another class of signs was found in the movements of quadrupeds and snakes. Miscellaneous warnings included the falling of inanimate objects, loud and unexpected noises, and epileptic attacks among those about to undertake an enterprise or engaged in taking the auspices. The normal condition of the entrails of a quadruped or bird sacrificed was a good, and the abnormal a bad, omen. Dice and oracles to express the will of the gods were known, but not prominent among the Romans.

Similar to the augurs in their occupation of ascertaining and explaining the will of the gods for the guidance of men, were the haruspexes, who, however, were not organized in a board, and, so far as we can learn, did not occupy official positions. They were like modern fortune tellers, and some of them stood so high in credit that they were called upon for advice by prominent magistrates, on occasions when the augurs were not present. The haruspexes depended mainly upon their private practice for support. They found many of their omens in the entrails of fowls, but they also interpreted all the celestial and terrestrial phenomena observed by the augurs. Under the empire, a board of haruspexes was established as part of the state priesthood. Those persons to whose projects the omens were favorable were told by the haruspexes that they had the peace of the gods.²

Rome had some ecclesiastical boards of which we know but little. Among these were the flamens, the salians, and the arvals or arval brothers. The chief flamen was attached to the Temple of Jupiter on the Capitoline Hill, and among the sacerdotal dignitaries, he ranked next to the chief pontiff. One of the duties of the arvals was to bless the growing crops. Six vestal virgins were the priestesses of Vesta, whose altar was the hearth of the state, on which a fire must be kept burning continuously. These vestal virgins were appointed when between six and ten years of age, from noble families, and were required to serve till thirty, after reaching which age they could withdraw and marry; but their abandonment of the temple was considered discreditable. They were required to be strictly chaste, under penalty of burial alive. They took rank

among themselves, according to their age; and when they appeared on the streets, they were treated by the magistrates, senators, and people with a show of great veneration.

Besides the members of the board of flamens, many other priests were known by that name, including those who took charge of the sacrifices in large temples. Every clan had a flamen, who directed its worship and had the custody of its ecclesiastical property, such as a knife and plate for sacrifices, a cup for libations, a flint and steel for striking fire, and in some cases a temple.

From 87 to 30 B. C. the office of chief flamen was vacant. No noble who would have done credit to the state would accept it during that period. It was subject to the rule that its incumbent must remain in Italy, and this restriction prevented him from making his fortune, as most of the senators did, by plundering the provincials. Although the office was one of very high honor, it possessed neither revenue nor political influence, and was therefore never sought by men of much ambition.

SEC. 490. *Roman Worship*.—The typical Roman temple, though under the supervision of the pontifical board, was practically independent. It had no territorial jurisdiction, and no parishioners. Its priests held their office for life, and did not look for promotion or profit to any superior ecclesiastical authority. They did not form part of a numerous clergy, organized under strict discipline. They did not subscribe to a creed. They had not spent years in the study of theology or ecclesiastical law. They had no sacred book. They did not absolve from sin. They were not sanctimonious in their manners. They did not devote all their time to temple business.

Strict rules governed sacrifice. The animal to be offered should be unblemished and handsome, in the vigor of youth, not degraded by subjection to the yoke or to any mutilation. If for a god, it should be a male; a female, if for a goddess. For special purposes, ecclesiastical rules designated different kinds of animals. The goat feeds on the tendrils of the vine, and therefore could be used in propitiating Bacchus; the sow roots up the soil, and might be slain on the altar of Ceres. The victim was decorated with garlands and ribbons; and if it had horns, these were gilded.

The offering was preceded by the lustration or purification of the worshiper, and of all his attendant priests, and by a prayer offered by the presiding flamen, who spoke aloud with the open hands raised towards heaven, the palms upwards. If, however, the god to be invoked was Neptune, the hands were pointed to his home, the sea. The priest, after completing his prayer, laid his hand on his mouth, kissing it in adoration. Then followed the attendants, leading the animal or animals to be offered, walking three times round the altar, and keeping the right side next to the altar.

The Romans had a sacred book, that of the Sibyl, which contained a multitude of sentences, many of which could be interpreted as prophecies. This work was brought to Rome in the time of the monarchy, about 520 B. C., by an unknown woman from the Orient, who made such an impression on the king that he bought her book, which was then deposited in the temple of Jupiter, on the Capitoline Hill, and was intrusted to custodians who had the exclusive authority to inspect and interpret its prophecies. The book of the Sibyl is generally called the Sibylline books, but there was only one. The Latin *liber*,

translated book, means chapter or volume, as well as book. The so-called books of Livy are really chapters, each having been originally a separate roll. The original book of the Sibyl was burned in 84 B. C., and was replaced by a second book filled with prophecies collected in the east. The Sibylline priests doubtless obtained profit and influence from the possession of a multitude of vague phrases, some one of which they could apply to every contingency and interpret in accordance with their interests or expectations.

One of the peculiar ecclesiastical ceremonials of Rome, established, according to report, under an order of the Sibylline book, was a *lectisternium*, or dinner to a party of gods, usually six in number, after some great disaster, when it was considered necessary to offer an extraordinary propitiation to some of the leading deities. On such an occasion, a statue or idol of each invited god was taken from its usual resting-place, washed, anointed, decorated, and placed on a couch, in company with his divine associates before a table laden with an elegant feast. A large temple or the forum was the place preferred for a *lectisternium*.

Music, both vocal and instrumental, was used in the ecclesiastical ceremonies of Rome, but it was not prominent, nor did it there exert any educational influence. There was no well trained chorus, no office of honor connected with the production of choral music at religious festivals, and no great development of poetry and drama from the choral performances. The example of Athens in these points was not imitated in Rome.

In 181 B. C. an attempt was made to foist a new sacred book upon the Romans. Some laborers digging in the earth near the Capitol found two stone chests, like coffins,

and the lids had inscriptions, one of which said that its box was the coffin of king Numa; and the other said its box contained the sacred book of Numa. The coffin was empty; the other chest contained a book in fourteen chapters, of which seven in Latin related to sacerdotal organization, and seven in Greek treated of the theory of wisdom, and probably related to creed. The senate ordered an examination of the book, and having received a report that the adoption of the book would upset the Roman system of worship, ordered it to be burned. It was burned, and no note of its contents was preserved. The experiment of the Roman Hilkiah was a failure.

The main object of worship in the domestic religion was the lar, a male founder of the family. There was only one lar in a house, but other male ancestors were also objects of adoration. The image of the lar, often a small rude figure of burned clay, gave the name lararium to the room in which it was usually kept, and there, before its customary place, a lamp was kept continually burning. At meals, the figure of the lar was usually set on the table, and before sitting down, and before tasting the main course of the dessert, the master of the house offered to the lar, by throwing into the fire, or upon the hearth, a particle of food and a particle of salt. At every family festival, as after the birth of a child or its return from a distance, when a son reached the years of manhood, when he married, or when he obtained some signal success in life, the lar was crowned with a wreath, as a symbol that he participated in the joy of the family.

SEC. 491. *New Faiths*.—Under the republic, there was no persecution of unbelief or heresy. The execution of Socrates, and the flights of Anaxagoras and Aristotle, had no parallels on the banks of the Tiber. Conquered coun-

tries generally were allowed to retain their gods, their temples, their temple endowments, their priests, and their ecclesiastical ceremonies. The worships of Jehovah, Osiris, Melkarth, and Mithra were not disturbed any more than was necessary in the course of the acquisition of Judea, Egypt, Syria, Pontus, and Mesopotamia. Under the empire, there were prosecutions which partook of the character of persecutions, though their motive was always rather political than ecclesiastical. The druids were hunted down because they used their sacerdotal influence to organize insurrection. Gatherings for Bacchanalian rites and for Egyptian, Jewish, and Christian worship were prohibited repeatedly because their secrecy was considered inconsistent with public policy, and was favorable to immoral practices.

In the last century of the republic, the ancient faith lost much of its credit among the populace, many of whom became converts to the Cilician, Egyptian, Jewish, and afterwards to the Christian religion. The decline of paganism had proceeded far before Christianity was preached to the Greeks. Of the foreign gods introduced into Rome, the most successful in gaining converts there before 60 A. D. was Mithra, whose name appears on the sacred books of the Persians, but who, as known to the Romans, may be considered a divinity of Cilicia and Pontus. About 80 B. C., while the Cilician pirates were powerful, they made Mithra prominent in many cities of the Mediterranean. Our knowledge of the religion of Mithra is very vague, but we know that it included a belief in a future immortal life, and that baptism and communion were among its sacred rites.

The oriental religion, that stood next to that of Mithra in the Eternal City in the time of Augustus, was that of

Isis. This faith, of Egyptian origin, seems to have differed materially from the popular religion in the valley of the Nile, probably because the majority of the Egyptians in Rome were much more intelligent than the rabble in their native land. There are many evidences that the converts to this religion were numerous and that they included many women of wealthy Roman families. One noble Roman lady spent a night in an Egyptian temple in her native city with the god Serapis, as she supposed, but, as it afterwards appeared to her own disgrace, with a libertine, who had bribed the priest. An inscription in Pompeii mentions the fact that a certain Popidius was elected about 65 A. D. to the city council by the members of that body, without the expense usually incurred by the candidates, because he had built a chapel to Isis. The aristocratic character of the population of Pompeii, and the subordination of all the city governments to imperial power, give much significance to an election for such a motive. This religion retained the doctrines of the resurrection of the body, and of its eternal existence with the soul for the just. The worshippers of Isis buried the body, never burned it, nor did they use the process of embalming in Italy.

SEC. 492. *Roman Funerals*.—The dead were buried or burned, according to the customs of the different families or clans. If burned, the bones were carefully collected, sprinkled with wine and milk, dried and put into perfumed urns, which might be kept in the dwelling or in a building (*columbarium*) constructed for the purpose, with an opening for each urn.

The patrician families, especially those of much wealth and influence in the state, made their funerals occasions of much display. A public crier went through

the streets where the distinguished people lived, and invited them to participate. The procession was led by hired women mourners, after whom came instrumental musicians; then dancers; then the corpse; next an actor, wearing a mask like the face of the deceased, his dress, his armor, and his official insignia, imitating his walk and appearance as nearly as possible; then other actors wearing the masks, dresses, armor, and official insignia of other deceased men of the family; then the sons with their heads veiled; then other relatives in mourning; and finally, friends. The procession went to the Forum, where the masked actors sat on a platform, while a son or near male relative delivered a funeral oration, which recounted the glorious achievements of the dead man and of his ancestors. Some families preserved many of these funeral orations, which furnished a considerable part of the material for the history of Rome before 250 B. C. It was, says Mommsen, a conception essentially in keeping with "the grave solemnity, the uniform movement, and the proud dignity of Roman life that departed generations should continue to walk as it were corporeally among the living, and that when a burgess, weary of labors and of honors, was gathered to his fathers, these fathers themselves should appear in the Forum to receive him among their number."¹

CHAPTER XXXII.

ROMAN INDUSTRY.

SECTION 493. *Roman Inventions*.—In its general features the industry of the ancient Romans was similar to that of contemporaneous Greece. They had the same cultivated plants and the same domestic animals; the same methods of managing their herds, and of tilling their soil; the same methods of transportation; the same materials and patterns for the hulls and rigging of ships; the same custom of laying up their ships from November to March inclusive; the same objects of commerce; and the same reliance on slaves for a large part of their labor.

As in most other aristocratic states of antiquity, so in republican Rome, at least during its historical period, traffic and manual labor, as regular occupations and means of support, were considered disgraceful. Livy and others, who drew their ideas from the same sources, represent the early patricians, of whom Cincinnatus is an example, as cultivating the soil with their own hands; but Cato, the elder, who wrote about 170 B. C., had a multitude of slaves, and, so far as we know, neither he nor any other Roman noble, of his generation or of a later time, ever did a day's work with plow or spade. Cicero praises agriculture as a proper occupation for a noble-

man, and thereby means that he should own a large estate, to be tilled and managed by slaves. No statesman of Italy commended productive toil and commercial enterprise as proper occupations for all freemen. Both were forbidden to Roman senators, who, however, might own ships to carry the produce of their own land to market; might manufacture goods to be used by their own families, tenants, and slaves; and might maintain shops to distribute merchandise to their own dependents. More than this they might not do without violating the law and offending public opinion. If they undertook to compete with the plebeian, the freedman, or the alien, in manual labor, transportation, or traffic, they would be dishonored. The general opinion was expressed forcibly by Cicero, who declared that the occupations of hirelings are sordid and base, and that the sale of merchandise, whether in large or small quantities, tends to make man false and vile.

The dominion of ancient Rome included a territory so vast and endured through so long a period that under it many valuable improvements in the useful arts either had their origin or obtained their first mention in books known to us. Among these improvements are the mold-board, the water wheel, the horse mill for grinding grain, the large arch and the dome in architecture, lime and sand mortar, hydraulic cement, window glass, lead pipe for water, the inverted syphon in water conduits, the method of heating houses by currents of hot air, the panel in carpenter work, lifting pumps with valves, the process of sawing marble with sand and water under steel bands, greenhouses, hothouses, wooden casks, soap, plaster casts, sulphur matches, the use of marl as a fertilizer, lanterns made with sides of glass or horn, double-entry book-

keeping, bills of exchange, shorthand writing, the tinning of copper, the use of sheet lead in sheathing ships, and of chain cables in anchoring and mooring them, the washing of auriferous gravel in a sluice, the use of gold amalgam in gilding and of amalgamation in gold and silver mining, and the art of making roads with beds of broken stone.¹

Of all these improvements the most important is the mold-board, which greatly increased the effectiveness of the plow. The shovel-nose instrument previously in use, and indeed not yet abandoned in portions of Asia and Africa, merely made a narrow scratch in the ground, and pushed the loosened material away on each side of the furrow, covering and hiding a portion of the earth not yet disturbed. With the aid of the mold-board a slice of even thickness was cut off from the surface of the field and then turned completely over on one side of the furrow. In this manner, the earth was plowed to an equal depth all over the field, and the roots of the grass and weeds were turned up to be dried by the sun.

Among the power producers—a term which is here used to designate all those machines (such as water wheels, windmills, and steam engines) which harness the forces of inanimate nature to the gearing of the workshop—the earliest in point of time was the water wheel, which made its appearance about the beginning of the Christian era, and was employed in the early empire, though only on a small scale, for grinding grain. A vertical treadmill, driven by a dog or slave walking on the inside, was also known. Some bakers had horse mills to grind their grain.

Window glass was made and was used in a few houses. Soap was first made among the Gauls; and in their country wooden casks first became known. They also had a reaping machine driven by horses, but it seems to have

been a failure, for it was soon abandoned. Marquardt thinks that the shuttle was first driven across the web by striking, among the Romans, and that the carding of cloth to hide the threads under the nap had its origin among them.²

In the reign of Tiberius the discovery was made or was first brought to the attention of the mariners engaged in the trade between Egypt and Hindostan, that monsoons, or steady winds across the Indian Ocean, blow from the southwest from April to September, and in the contrary direction during the remainder of the year; and that by starting from Aden in August and sailing directly towards Bombay and starting to return in September and sailing directly for Aden, several months of time and much discomfort, danger, and expense might be avoided. This discovery gave a decided stimulus to the trade with Hindostan.³

In the 1st century B. C. the dromedary was introduced from Asia into Africa, where it spread over a wider area and became of more industrial importance than in its native continent. At some unknown time, either under the Pagan empire or in a later period, the tame elephant of Africa disappeared finally. It belonged to a species which was found wild in Morocco and Numidia, and was probably different from the elephant now known in Central and Southern Africa. About the beginning of the Christian era, the peach and the cherry were brought from Asia to Europe, and by this introduction into a region of a higher culture obtained a greatly increased importance in human life.

Before the time of Julius Cæsar most of France, much of Spain, and all of Belgium, Switzerland, and the valley of the Danube were still in a barbarous condition. Little

of their area was under cultivation or fit for tillage; the towns were few, small, and not well fortified; the population was sparse, commerce scanty, and all the arts were in a rude condition. Before the reign of Constantine all these provinces had been civilized, many of their forests had been cleared away and their swamps drained; they were filled with well-built and well-fortified cities connected by good roads; industry, traffic, and education had made great progress; Latin had become the speech of a majority of the people; and intimate social and commercial communication between the provinces gave the people of the whole empire a feeling of common nationality and humanity. This extension of a higher culture over portions of Europe which were destined to take leading parts in the history of later centuries was one of the great achievements of Rome.

SEC. 494. *Fields, etc.*—The agriculture of Italy suffered greatly from frequent and long-continued wars, from the substitution of slave for free labor, from the importation of large quantities of provincial grain to be sold at less than the cost of production, and from the substitution of large estates occupied by slave herdsmen, for small farms tilled by their free owners. When Cato went to Carthage about 150 B. C. and saw the productive fields and orchards in what is now the territory of Tunis, he was filled with envy and anger. The best treatise in the Latin language on agriculture in the time of the republic was translated from the Carthaginian tongue. An unmistakable indication of the low condition of tillage in central Italy about 170 B. C. is found in the saying of the elder Cato in his book on husbandry that the best manager was a good breeder of cattle; the next best was a passable breeder of cattle; the next best, a bad breeder of cattle, and the

worst, a tiller of the soil. In the same region now with free labor, the cultivation of kitchen vegetables, of olives, of vines, of orchards, of hay and grain, as well as the dairy, are more profitable than the breeding of cattle.

Horticulture was not neglected. Pliny mentions twenty-nine varieties of apples, as many of figs, eleven of plums, eight of chestnuts, and several of peaches and cherries; and he refers to a great number of pears. High prices were paid for the best horses, cows, and jacks. All the branches of agriculture seem to have been pursued with more skill in the valley of the Po and in the neighborhood of Capua than in central Italy.

The Romans mined for gold, silver, iron, copper, lead, and quicksilver. They smelted iron ore in small furnaces to produce steel. They had no cast iron, nor could they make plates or wire of iron or of steel by any process, save that of hammering. They washed gold from alluvial deposits in board and ground sluices without the aid of the hydraulic pipe; and they crushed auriferous quartz in preparation for the separation of the metal from the rock. Argentiferous ores were smelted. Quicksilver was obtained by sublimation in small quantity for the production of vermilion, and for amalgamation with gold and perhaps with silver.

In the late republic the chief source of the precious metals was Spain; and Hindostan was then, as it now is, called "the sink of silver." The Hindoos sent spices and muslins to the Mediterranean, and in exchange received about \$50,000 annually in coin. Their trade gave employment to one hundred and twenty ships in the Red Sea, and to numerous caravans from Myos Hermas on the eastern shore of Egypt to the Nile. There were also caravans that brought silks from China.

Every leading handicraft had its guild or association, with written rules for the admission and expulsion of members, and mutual protection and assistance to the members and the widows of members. These guilds did not undertake to regulate the prices of labor or to prevent persons not members from getting employment. Each occupation had a street or district in Rome where most of its workshops could be found.

SEC. 495. *Size of Rome*.—Nearly all of the wall of Rome built before the time of Augustus and repaired in the IIIrd century A. D. by Aurelian, still stands with a circuit of thirteen miles and an inclosed area of about twelve square miles. The number of inhabitants is not reported to us by any ancient author, and the best materials for calculating the population are, first, the area, and, second, the number of persons supplied with free grain. The space within the walls is one-fifth of the space inside of the walls of Paris as they stood in 1824, when that city had 1,050,000 inhabitants. It is true that much of the space inside of the Parisian walls was not covered with houses in 1824, but that was also the case in ancient Rome, which had numerous large gardens and open spaces. If imperial Rome, when most flourishing, had on the average twice as many people to the acre as Paris had in 1824, the population was 420,000; if as many as Florence has now, it had 300,000. On the other hand we are told that when Julius Cæsar became master of the city, 320,000 persons were supplied with grain from the public stores; and this is stated as if these were all adult male citizens residing in or near the city. We are told, however, that there was no suburban population. Merivale, a writer of much authority, thinks the total population did not exceed 700,000. Friedlander

supposes that it was three or four times greater. Merivale estimates the population of the early empire at 85,000,000, including 16,000,000 in Italy, 24,000,000 in other parts of Europe, 28,000,000 in Asia and Cyprus, and 17,000,000 in northern Africa.

The dwellings of imperial Rome have all been destroyed, but they were doubtless like those of Pompeii, except that generally they were higher and grander in style. Their material was brick or stone; and many of them had six or eight stories. The roofs and floors were of tile. The public buildings and the palaces of the wealthy families were cased inside and out with marble.

Before the time of Augustus the population of Italy began to decline. The devastations of the wars, the introduction of immense numbers of slaves, the increase of pasturage, and the more cruel exactions of the Romans in the allied states after the fear of foreign enemies diminished, all tended to impoverish the country. Large numbers of the freemen emigrated to Gaul and Spain, and smaller numbers to Sicily, Greece, Asia, and Africa. In 210 B. C. Italy furnished 200,000 men to the army; and two centuries later, not 40,000. Nor was the decay limited to Italy and to the time of the republic; it prevailed in many provinces. The most notable exceptions were Gaul and Spain, which, during the first two centuries of the empire, continued to increase in population and wealth.

The only large dome of ancient construction now in existence is that of the Pantheon in Rome. It has an internal diameter of one hundred and forty-two, and a height of one hundred and forty-eight, feet from floor to ceiling. The aqueducts of imperial Rome were numerous and large. Their aggregate length was three

hundred and sixty miles, and they poured into the city 370,000,000 gallons every day. The arches still standing are in many places thirty or forty feet high for long distances; and several of the old conduits continue to carry their water. No other city has ever received so much water through aqueducts.

Many of the provincial cities were supplied with aqueducts under the Roman government. That of Nismes, the ruins of which are still standing, was one hundred and fifty feet high; that of Segovia, one hundred feet high; that of Tarragona, eighty-three feet high. The bridge of St. Angelo in Rome is one of the legacies of antiquity, and its masonry promises to last for many centuries more.

The streets of the cities were paved with flat stones, most of which were from a foot to a foot and a half across. These stones were too large, and after a few years of usage were too slippery for horses to trot over them, and the unevenness of surface was too great for wagons, unless moving with a slow walk. In Pompeii, the best place for observing the ordinary street pavement of the ancient Romans, there are large stepping-stones from fifteen to twenty inches across and fully six inches above the general level of the roadway, so that pedestrians could cross the street without getting into the mud. But the height and width of these stones, the short distances from crossing to crossing, and the narrowness of the roadways, indicate that the streets were not designed for pleasure wagons.

The military roads of the Romans were about twelve feet wide, and had a foundation of broken stone a foot deep, to give drainage and solidity. Cuts and embankments were made to reduce steep grades; firm founda-

tions were laid in swamps; bridges were built across streams and gullies; and tunnels were made through hills. Before our own century no other country did so much work on its roads as did Rome; but of late the grading of the ancients has sunk into relative insignificance.¹

Relatively little use was made of wheeled vehicles. There was no cart with shafts to be drawn by one horse; no spring wagon; no conveyance like the modern stage or omnibus to furnish transportation to the general public; and no four-wheeled wagon in extensive use. Most of the carts were very heavy and were drawn by oxen. For horses there was no such harness as is now in use. There was neither collar for draught, nor traces, nor breeching. The wagon was drawn by the tongue, which, instead of being nearly level as in the modern wagon, rose at an angle of perhaps twenty degrees, so as to rest on a yoke, which was fastened to saddles on the backs of the horses. With this system all the horses must be side by side, and there must be two or four in the team. With small wheels, the draft was heavy; and without springs, driving over large stones could not be considered a source of pleasure.

As mariners the Romans did not excel, and they made no notable improvement in marine architecture, or important addition to the knowledge of commercial geography. They sent out no celebrated exploring expedition. They added nothing to the previous knowledge of southern Africa or eastern Asia. After 65 B. C. they had exclusive control of the shipping in the Mediterranean and in the Red Sea, so that maritime commerce was conducted with more system than before; but to the last, most of their merchant ships were built and manned by their provincial subjects.

CHAPTER XXXIII.

ROMAN SOCIETY.

SECTION 496. *Roman Women.*—It is to Roman law that woman is indebted for most of her social influence and property rights in modern civilized states. Among the Semites she did not inherit equally with her brother, nor could she control her inheritance. She might be divorced instantly by her husband without reason, and she had no similar privilege of discarding him. If her husband was rich, she was only one among many prisoners in a seraglio. In ancient Athens, though she had no rival wife, she was kept in seclusion, and treated as a social inferior. It was in Rome that she was first protected, not only by monogamy, but also by sacramental marriage, by equal rights of inheritance, by a near approach to social equality with her husband, by the custom of giving a good education to the woman of the most reputable class, and by enabling her to control her own property. She sat at the table with her husband. She conversed with him in the presence of strangers. With or without him she received male visitors. She went out with him to private entertainments and to public amusements. She controlled her home and its slaves. She often directed the education of her sons.

There were three kinds of marriage, that by sacrament, that by purchase, and that by cohabitation. The first

was consecrated by a priest, and was indispensable as a qualification for some high official positions. It was the customary form among the patricians of early times. The second kind of marriage, by purchase, was performed by a ceremony similar to that used when a slave was sold. The marriages by sacrament and by purchase gave to the husband the most complete marital dominion over the wife, with the legal privileges of keeping her enchained, selling or killing her, without legal responsibility. The XII Tables said: "If a wife, not married by sacrament or purchase, wishes to avoid subjection to the husband's marital dominion, she shall absent herself for three [successive] nights in each year from his house, and shall thus break the prescription of the year." In other words, she was classed with personal property; absolute ownership could be acquired by undisputed and uninterrupted possession for twelve months.

In the time of Augustus or at an earlier date the law conferring despotic power on the husband, over the property, the freedom, and the life of the wife, fell into discredit; and as a legal formula had been devised to emancipate the son from paternal bondage, so other formulas were adopted by which the wife or prospective wife could be freed from marital bondage. By such liberation she was not only enabled to control her separate property during her life, but also to convey it by will, so that it might pass to her blood relatives, instead of going necessarily, as under the old rule it had gone, to the relatives of her husband. In some respects the woman under the early empire had greater property rights than she has ever had since.

Girls were usually married when about fifteen years of age, and were considered old maids at eighteen. Not

unfrequently they were brides at twelve. The match was always made by a parent or guardian. In a wealthy family there was no wooing by a lover; and sometimes the betrothal occurred while the girl was a young child.

Custom permitted women to bathe in the large tanks with the men; and many of the poorer classes availed themselves of the privilege. There is no mention of a bathing dress; and the language of the Roman authors when speaking of the bathing of the two sexes in the same tanks, implies that both were nude. The manners and speech were subject to much less restriction in the Rome of nineteen centuries ago than they are now in most of the European cities.

SEC. 497. *Roman Slaves*.—Except during the second Punic war, nearly every year in the last three centuries of the republic witnessed a large addition to the stock of slaves in Rome. Because of their abundance and cheapness, and because of the ignorance of many among them, they were frequently treated with great severity. Many of those employed as laborers in the country were branded and were kept in chains, or marked by iron collars fastened on the neck. The establishment of the empire, the abandonment of the policy of conquest, and the cessation of the reduction to slavery, of large numbers of captives taken in war, gave increased value to bondsmen, and brought about a more kindly treatment of them, and the enactment of laws for their protection. Besides, the higher education of the people and the progress of refinement and moral sentiment demanded more kindness to all the subject classes. "The Roman stoics, beginning with Seneca," says Marquardt, "teach that slavery has no foundation in the law of nature; that all men have an equal natural right to freedom; that the

legal difference between liberty and bondage is external and accidental; and that true freedom is a moral not a legal condition. The soul of the bondman may be free, while that of the citizen may be slavish. And these views were not mere barren theories, but were fruitful rules of action in distinguished families, and found recognition in the Roman laws. It is a remarkable fact that, in this matter, the ancient custom which, for Cicero, was the guide of all political action, had been superseded in the early empire by a philosophical principle which was irreconcilable with the earlier authority of the father and master. The jurists of this period unanimously accept the natural equality of men in political rights, a doctrine noteworthy, not only for its conflict with older usages, but also for its prominence among the indications of a new spiritual development which had begun in the first century of the Christian era."¹

Although the law of the republic gave no protection to the slave, many masters were not only kind, but generous, to their bondmen. Cicero and the younger Pliny showed great regard for the feelings of their favorite slaves. In many instances the slave or the freedman was the most devoted friend of the master. In some families, six years of faithful service were considered sufficient to give a right to emancipation.

In the time of Augustus, serfdom had its origin. Some barbarian captives were sold under the condition that they should not be moved from the land on which they were placed. They were called "slaves of the soil;" and, unlike the ordinary slaves, they could contract legal marriages. They were to pay a fixed share of the crop, and the owner of the land could not increase this burden.² This new system of bondage at-

tracted little attention when first established, but after several centuries it extended into many provinces.

About 60 A. D. the Roman law began to define and to protect certain rights of the slave. He was authorized to contract a legitimate marriage, to acquire a valid title to property, to be a shareholder in a corporate society, to become a legatee under a will, and to convey his property by bequest. To torture him or to kill him maliciously was made a crime. If abandoned when sick by his master, he was emancipated. In short, he was raised from the level of the beast to that of the man.

Hadrian forbade the sale of a slave to be used as a gladiator, and an earlier emperor forbade the master to compel the slave to enter the arena of the sword show unless bought for that purpose. Antoninus Pius provided that certain altars should serve as a refuge to slaves fleeing from the cruelty of masters, and gave jurisdiction to judges in complaints of ill-treatment made by slaves. Marcus Aurelius would not allow slaves to be used against their will to fight with wild beasts.

The law which had authorized the patron to re-enslave his ungrateful freedman, the patron being practically the judge of the ingratitude, was repealed. The law which had adopted numerous presumptions against the condition of freedom was changed so that all its presumptions were against that of bondage. Thus a bequest to "Marcus, my freedman," in a will liberated Marcus, who was a slave. A bequest of freedom for a time was a final emancipation. A gift of freedom under conditions was construed in favor of freedom without restriction.³ About the time of Marcus Aurelius, Ulpian wrote that "by the law of nature all men are equal."⁴ And Justinian, expressing the ideas that had been accepted in previ-

ous centuries, said in one of his decrees, "We do not permit a freeman to become a slave in punishment for crime. We do not transform liberty into bondage, we who have so much desire to elevate slaves to freedom."⁵

SEC. 498. *Roman Virtue*.—No statement of the distinguishing features of Roman society, written in antiquity, has been preserved to our times; nor can we infer those features from any book now in our possession, written before 70 B. C., when Cicero began his career as an author. He admitted that in his day the social as well as the political condition of the metropolis was sadly demoralized; but he boasted of the strict morals and severe manners of his forefathers; of whom he formed his opinion probably from such fictions as those preserved by Livy.

The subjugation and slaughter of aliens are occupations which do not develop tender feeling or mental refinement, especially when those occupations are pursued under the circumstances of systematic oppression and cruel perfidy, which marked the foreign policy of Rome. The military successes of the Romans under the republic imply that they possessed mutual fidelity and other martial virtues, which, however, are not sufficient, by themselves, to raise a people to a high ethical level. Such virtues were not entirely lacking in the army of Spartacus, base as it was in some respects. Many of the patricians were presumably honest; many of their wives were doubtless chaste, and many of their children dutiful; but we look in vain for any statesman with the combination of high talent with integrity found in half a dozen Athenians.

It is assumed by many authors that the general moral condition of the Romans grew worse after the establish-

ment of the empire; but this is not probable. The administration in Italy, as well as in the provinces, became more systematic and honest; the rights of all classes of citizens and subjects received better protection. The slaughter, enslavement, and deportation of the people, the destruction of cities, and the confiscation of estates, diminished and almost disappeared; and their diminution meant the cessation of a vast amount of wrong.

The frequency of suicide was one of the characteristic features of Roman society. In no other state have so large a proportion of the leading men died by their own hands. According to the teachings of Epicurus and Zeno, the highest ethical authorities known to Pagan antiquity, it was obligatory, under the circumstances in which many Romans found themselves, to take a voluntary leave of life. Seneca and Epictetus considered suicide one of the most precious guaranties of morality and dignity. They thought that a man who feared death might be forced into baseness.

Lucretius, the greatest Latin advocate of Epicureanism, sought refuge in the grave from the horrors of the civil war. The younger Cato, Brutus, and Cassius escaped from victorious enemies by the help of their own swords, and the emperor Otho was praised for dying by his own hand, rather than engage in a civil war to retain his imperial office.¹ Women as well as men faced death with composure in Pagan Rome; indeed, some of the most affecting incidents in history are the suicides of Roman women who insisted upon dying with their husbands or other near male relatives. When Pætus was condemned to death, in 42 A. D., his wife Arria claimed the privilege of precedence, and, inflicting a fatal stab upon herself in his presence, said, "Dear Pætus, it does

not hurt." In 66 A. D. her daughter found herself in a situation similar to that of her mother, but was persuaded to remain alive for the purpose of taking care of her young daughter. About the same time, when L. Vetus had to die under the command of a tyrant, his daughter and his mother-in-law opened their arteries and bled to death with him. Seneca died in the same manner, with a serenity worthy of his stoic faith, and his wife opened her veins to share his fate.

In republican Rome, as in Greece, there was little public charity, partly because of the clan organization which included nearly all the native freemen, and provided for the helpless among them. Those people who needed aid and were not within the limits of the clans might attach themselves to some noble patron, or join some club organized for mutual protection.

When a great disaster occurred, the general public came forward with aid. After a wooden theater in the suburbs of Rome had collapsed during a performance, injuring 50,000 persons, as report said, the houses of many wealthy persons were converted into temporary hospitals. To the sufferers by a conflagration in Bononia (now Bologna) the capital sent \$500,000, and to those in Lyons \$300,000.

In the reign of Augustus, provision was made for the maintenance and education of orphans, the first objects of systematic governmental charity. The first hospital for the sick made its appearance about two centuries later. The helpless blind, aged, and insane had to depend on the aid of individuals. Mendicants and people who relieved mendicancy were numerous. The general ethical tone in the letters of Cicero and Pliny is much like that in the enlightened society in our own time.

Many published comparisons between the condition of modern Europe and that of the ancient Roman empire, for the purpose of proving the superiority of Christianity over paganism in ethical influence, are extremely unfair. On one side favorable facts have been systematically exaggerated and unfavorable ones passed over with little notice, while on the other side, the facts have been treated with the partiality of hostility. That there has been a great improvement in ethics in the last sixteen centuries is unquestionable; but that a great part of this improvement can be traced to industrial, political, and scientific influences which were beyond sacerdotal control is equally certain. "Much candor and discrimination are required in comparing the sins of one age with those of another. . . . The cruelty of our inquisitions, and sectarian persecutions, of our laws against sorcery, our serfdom and our slavery; the petty fraudulence we tolerate in almost every class and calling of the community; the bold front worn by our open sensuality; the deeper degradation of that which is concealed,—all these leave us little room for boasting of our modern discipline, and must deter the thoughtful inquirer from too confidently contrasting the morals of the old world and the new. Even at Rome, in the worst of times, . . . all the relations of life were adorned in turn with bright instances of devotion, and mankind transacted their business with an ordinary confidence in the force of conscience and right reason. The steady development of enlightened legal principles conclusively proves the general dependence upon law as a guide and corrector of manners. In the camp, however, more especially, as the chief sphere of this purifying activity, the great qualities of the Roman character continued to

be plainly manifested. The history of the Cæsars presents to us a constant succession of brave, patient, resolute, and faithful soldiers, men deeply impressed with a sense of duty, superior to vanity, despisers of boasting, content to toil in obscurity, and shed their blood at the frontiers of the empire, unrepining at the cold mistrust of their masters, not clamorous for the honors so sparingly awarded to them, but satisfied in the daily work of their hands, and full of faith in the national destiny which they were daily accomplishing.”²

SEC. 499. *Roman Education*.—The education of the Romans was similar to that of the Athenians except that athletic exercises had a very small part in it, and that in the late republic and early empire the young men of wealthy families were sent to Greece to complete their studies in a foreign tongue and literature. Athens was the chief school of philosophy, and until after the time of Augustus, Rhodes had the most distinguished teachers of rhetoric. As late as 92 B. C. the Romans were still so rude that the two censors agreed in the publication of the following edict: “It has been reported to us that there are men who have opened a new kind of instruction, and have opened schools to receive youths; that these teachers have assumed the name of Latin rhetoricians, and that young men spend whole days in these schools. Our ancestors determined what their children should learn and to what schools they should go. This innovation does not meet with our approbation, nor is it judged to be right; wherefore we think that we ought to show both to those who keep those schools and to those who are accustomed to frequent them what our opinion is, which is this, that we do not approve these schools.”¹

This edict was probably the subject of much ridicule; and the later censors made no objection to the study of rhetoric, in which Cicero, then a boy, became a master, and by its aid became one of the most influential men in Rome, and one of the chief contributors to her literary glory.

The first public library of Rome was founded by Julius Cæsar, and the next one of note by Vespasian, who also, about 65 A. D., established a corporation of salaried teachers, so that students could obtain a university education in Rome as well as in Athens or Alexandria. In the next century the capital had twenty-nine public libraries. Herculaneum, a small place, had seventeen hundred books in her public library, but many of the Latin books were what we should call chapters, each a single roll or long sheet of papyrus, about a foot wide.

The papyrus was not smooth in surface, and the pen was not used upon it, and writing was not easy and rapid as it is now. Books were therefore really dearer than manuscript books are now, and as the people who were educated and wealthy were relatively few, so books were not abundant. G. C. Lewis doubted "whether there ever were a hundred copies of Virgil or Horace in existence at any one time before the invention of printing," whereas now, when Latin has become a dead language, there are probably more than 30,000 complete copies of each of those two authors.

About 60 B. C. an important advance in education was made by the publication of the first grammar in Rome. Its author, Dionysius Thrax, a Thracian, after studying in Alexandria, established himself in the Eternal City as a teacher of Greek. For the purpose of aiding his pupils and gaining reputation for himself, he wrote out

the main principles of linguistic construction, as they had been discovered by the scholars of Athens, Pergamus, and Alexandria. Plato had observed the distinction between nouns and verbs; Aristotle wrote of articles and conjunctions; and their successors, besides defining other parts of speech, made tables of regular and irregular conjugations and declensions, and explained many of the rules of syntax. The study of grammar had been greatly stimulated at Alexandria by the establishment of the Roman power over the countries bordering on the Mediterranean. The Latin tongue had acquired such importance that its study became necessary to many of the provincials, as Greek became necessary to the Latins, and the comparison of the two languages suggested many new ideas. The work of Thrax is still in existence, and has been the basis of all the later treatises on the same subject. "With Dionysius Thrax," says Max Muller, "the framework of grammar was finished. Later writers have improved and completed it, but they have added nothing really new and original."²

SEC. 500. *Dress, etc.*—The Roman wore a dress similar to that of the Athenian. His under-garment, or tunic, was a sleeveless shirt, fastened over the shoulder with strings or a buckle. The mantle, or toga, a rectangular piece of cloth without sewing or fastening of any kind, was five or six feet wide, and at least twelve long. Both garments were of wool. There was a narrow purple stripe on the tunic of the senator and a broad one on that of the consul. The toga, and the bare head were required for full dress at meetings of the senate, triumphs, funerals, theater, or amphitheater, sacrifices, and state dinners. In cold weather laborers wore tunics with sleeves, and wrapped their legs with cloth.

The national dish of the Romans was porridge, usually made of spelt before 200 B. C. and afterwards of wheat. Among the freemen in the capital, under the empire, bread supplanted porridge, but the latter always retained its prominence among the poor freemen in the rural districts, and among the slaves everywhere. Onions, garlic, peas, beans, salt fish, salt meat, cheese, and pickled olives were other common articles of food. Fresh meat, fish and fruits, apples, pears, peaches, plums, and cherries were common on the tables of the rich. Wine was the ordinary beverage for all classes, and was frequently prepared for drinking by mixing with water and honey. Beer was known, but rare. Saffron, thyme, and, under the empire, cinnamon and nutmegs, were used for flavor. The favorite sauce for fish, *garum*, was made from the inner parts of the entrails of mackerel caught on the Spanish coast. These were packed down for a time in salt, then cooked; then allowed to ferment for two months; and finally passed through a sieve, the liquid part being the sauce. Everybody, except the very poor, had a silver salt cellar, out of which a pinch could be thrown on the floor as an offering to the god of the house or place. The small spoons of the Romans had sharp handles, which in case of need could be used as forks.

At a dinner given by Lentulus on the day of his installation as flamen of Mars in 63 B. C., and attended by the highest sacerdotal officials of the state, including Julius Cæsar (as king of the sacrifices) and the vestal virgins, the bill of fare, as preserved by Macrobius, mentions sea urchins, raw oysters, large clams, small clams, thrushes, asparagus, chicken, pies of oysters and large clams, acorn mollusks, small clams again, muscles, sea nettles, beccaficos, loin of deer and of wild boar, quail,

beccaficos again, murex, sea urchin, sow's udder, boar's head, fish pie, pie of sow's udder, ducks, boiled teal, hare, poultry, flour pudding, and sweet cakes.

Every large city in the empire had its public baths. They had separate tubs, each for one person, and large tanks where multitudes could bathe together. The large bathing establishment had four main departments. In the first the bather undressed, and sat for a while in the warm air; in the second he entered the warm water, and if he wished, into the hot air or steam; in the third, after passing through cool water, he was wiped dry and oiled; and in the fourth he was rubbed and kneaded. In every large Roman city there was at least one large public bath house; and in the capital there were eleven, with accommodations for 16,000 persons at one time in the aggregate, with a very small charge for admission.

Oiling was considered an important part of the daily toilet among the wealthy and an indispensable feature in the processes of the bath house. Cæsar ordered the purchase of 300,000 gallons of oil annually for the public baths of the capital. Anointing was necessary for full dress.¹ The business of the anointer (*unctor*) and that of the dealer in materials for the use of the anointer (*unguentarius*) were distinct occupations. In the summer many Roman nobles made a practice of exposing themselves without clothing to the sunlight for several hours daily.

To the ancient Roman oil was more needful than soap is to us. Anointment was regarded by him as essential to comfort, especially in wet weather. It was said that one of the reasons why Hannibal won the victory of the Trebbia was that his troops were prepared for it by their breakfast and their anointment, while the Romans had neither on a wet and chilly morning.

SEC. 501. *Latin Literature*.—Centuries of continuous, arduous, destructive, and merciless warfare, in which the vanquished were always impoverished and often enslaved or exterminated, developed in the Romans a remarkable combination of courage, fortitude, persistence, discipline, and contempt of death. It made them a coarse, hard, domineering people, with little social refinement, delicate sentiment, artistic perception, or literary taste. In the long period of their national existence they produced not one beautiful religious myth, not one great statue, painting, or tragic drama, not one philosophical or ethical system, not one scientific discovery, not one industrial invention traceable unmistakably to a native of Rome or Latium, not one work surpassing everything else of its kind in a leading branch of thought, except the civil law. In many departments they remained remarkably deficient to the last; in others, they did creditable work, but not until after centuries of national prosperity, and then in small quantity, as imitators of the Greeks, and in most cases by men who were not natives of Rome.

Virgil admitted the inferiority of his countrymen in literature and art, and tried to make a boast of the fact that they had had enough to do with the task of governing; a boast for which there would have been abundant reason if the task had been always well done. In Conington's translation he says:—

“Others, I ween, with happier grace
From bronze or stone shall call the face,
Plead doubtful causes, map the skies,
And tell when planets set or rise;
But ye, my Romans, still control
The nations far and wide.
Be this your genius—to impose

The rule of peace on vanquished foes,
Show pity to the humble soul,
And crush the sons of pride."¹

It was not until Rome had become mistress of Italy, not until after 260 B. C., that she began to have a Latin literature by the productions of Nævius, a Campanian subject, and Livius Andronicus, a slave of Tarentum. After them came Ennius, born in 239 B. C., a Calabrian, but a Roman citizen; and about the same time appeared the elder Cato, who was the first known author born in the Eternal City. He was a typical Roman; he treated his slaves as if they were beasts, and when they were too old to work, he turned them out to starve. He demanded the destruction of Carthage because its thrift was a reproach to the waste of Rome. His books have been lost, and critics do not lament their disappearance. Notwithstanding some admirable qualities, such a character as Cato does little credit to his native city.

Plautus, an Umbrian freeman, and Terence, a Carthaginian slave, the only distinguished dramatists in Latin literature, adapted comedies from the Greek. Both had completed their work before the period of civil war began with Tiberius Gracchus. The theater had ceased to demand original works unless they were pantomimes, which were favorite entertainments among the ancient Romans, and were usually filled with the coarsest buffoonery. Although the Roman comedies were all or nearly all adaptations from the Greek, there was some originality in the method of production. There was an actor for each character in the plot, and the chorus was far less prominent than in Greece. "It is very difficult to understand the relation which music bore to the exhibition of Roman comedy. It is clear that there was always a

musical accompaniment, and that the instruments used were flutes; the lyre was only used in tragedy, because in comedy there was no chorus or lyric portion. . . . Flutes were of two kinds. Those played with the right hand were made of the upper part of the reed, and, like the modern fife or octave flute, emitted a high sound; they were therefore suitable to lively and cheerful melodies; and this kind of music, known by the name of the Lydian mode, was performed upon a pair of *tibiæ dextræ* [right-hand flutes]. The left-hand flutes were pitched an octave lower; their tones were grave and were fit for solemn music."²

Between 130 and 30 B. C. the only noted Latin authors were the Sabine Varro and Sallust, the Campanian Cicero, the Latin Lucretius, the Veronese Catullus, and the Roman Julius Cæsar. Among these the last is the highest in literary merit. His account of his war in Gaul is the best of all military histories, charming in the clearness and simplicity of its style, and correct throughout in its taste and judgment.

The establishment of the empire was soon followed by the publication of such a number of meritorious books that the age of Augustus is mentioned with those of Pericles and Lorenzo de Medici among the intellectual periods that gave luster to history before the discovery of America. The brightest literary ornaments of the reign of Augustus were Livy, Virgil, and Vitruvius, natives of the Po-basin, Horace an Apulian, Tibullus a Sabine, and Propertius and Ovid, Umbrians. These together form a constellation of authors unapproached in talent by those of any other generation in Rome, and rarely surpassed by those of any one generation in any other country. Unfortunately the literary activity of

Rome was of brief duration; and two centuries and a half after Augustus, it had entirely ceased.

Tacitus, the only great author born in Rome except Cæsar, was also a historian of much ability, but he chose subjects of small scope and limited interest, and therefore he has not obtained the high literary position which his genius might have enabled him to acquire. A great history must have a great subject. Besides Tacitus, the other Latin authors of note born after the reign of Augustus were Pliny the elder and Pliny the younger, born in the basin of the Po; Martial, Seneca, Quintilian, Lucan, Columella, and Pomponius Mela, all natives of Spain; Juvenal a Volscian; Marcus Aurelius, a Roman; and Gaius, Ulpian, Papinian, Paulus, and Modestinus, all provincials and writers on law. Marcus Aurelius, born in 121 A. D., was the last of the notable pagan authors in Latin literature. After the overthrow of the republic, there was no great Roman orator. Longinus, a Greek, who wrote in the IIIrd century A. D., lamented the disappearance of eloquence from the world, and of the free government, which is the fostering nurse of that form of intellectual achievement.³

SEC. 502. *The Triumph*.—The leading public amusements of the Romans were the triumph, the gladiatorial fight, the chariot race, the comedy, and the pantomime. The most original and the most characteristic were the first two. The triumph, as celebrated systematically at Rome, was unknown elsewhere, and its establishment early in the national career, as an honor to a commander who had won a great victory, implies the confidence of the people in the long enduring greatness of their city.

Not only was the triumph the highest honor conferred by Rome on a successful general, but for centuries it

was also the most attractive show for the common people. It was a military procession, made up of the returning army with its captives, its booty, characteristic productions of the conquered country, and placards stating important results of the campaign not susceptible of plain representation otherwise. On some occasions the show lasted for several successive days. In the history of Rome there were about three hundred of these festivals.

The triumph accorded to Pompey for his victories in Asia occupied the 29th and 30th September in 61 B. C. The objects which attracted most attention in the procession were the large placards inscribed with the names of the countries conquered, extending from the Hellespont to the Euphrates and from the border of Egypt to the Caucasus; the names of the cities and the number of the ships taken from the pirates; a list of thirty-nine cities supplied anew with inhabitants; and the sums of \$10,000,000 and \$16,000,000, the annual revenue of the republic before and after these conquests.

Among the articles exhibited were numerous large vases of gold and silver; golden statues of Minerva, Mars, and Apollo; a silver statue of Pharnaces, king of Pontus; a silver statue and a colossal golden bust of Mithradates; the throne and scepter of Mithradates; and a golden bedstead said to have belonged to Darius I. Among the distinguished captives led in chains were the sister of Mithradates, with five of her sons; the son of Tigranes, king of Armenia, with his wife and children; the widow of Tigranes; Aristobulus, king of the Jews; and numerous pirate chiefs. Pompey appeared in his triumphal car, wearing the costume of Alexander the Great; and in recognition of his previous triumphs for victories in Europe, in Africa, and in Asia, before him

was borne a trophy with the inscription, "Victor over the whole World."¹

The most brilliant of all the Roman triumphs—that of Paulus Æmilius after his conquest of Macedonia—is thus described by Plutarch: "The people erected scaffolds in the forum and circus, and all the other parts of the city where they could best behold the pomp. The spectators were clad in white garments; all the temples were open and full of garlands and perfumes; the ways cleared and cleansed by a great many officers and tipstaffs, that drove away such as thronged the passage or straggled up and down. This triumph lasted three days. On the first, which was scarce long enough for the sight, were to be seen the statues, pictures, and images of an extraordinary bigness, which were taken from the enemy, drawn upon two hundred and fifty chariots. On the second, was carried, in a great many wains, the fairest and the richest armor of the Macedonians, both of brass and steel, all newly furbished and glittering; which, although piled up with the greatest art and order, yet seemed to be tumbled in heaps carelessly and by chance: helmets were thrown on shields, coats of mail upon greaves, Cretan targets, and Thracian bucklers, and quivers of arrows lay huddled among the horses' bits; and through these appeared the points of naked swords, intermixed with long spears. All these arms were tied together with such a just liberty, that they knocked against one another as they were drawn along, and made a harsh and terrible noise, so that the very spoils of the conquered could not be beheld without dread. After these wagons loaded with armor, there followed three thousand men who carried the silver that was coined, in seven hundred and fifty vessels, each of which weighed three tal-

ents, and was carried by four men. Others brought silver bowls, and goblets, and cups, all disposed in such order as to make the best show, and all valuable, as well for their bigness, as the thickness of their engraved work. On the third day, early in the morning, first came the trumpeters, who did not sound as they were wont in a procession, or solemn entry, but such a charge as the Romans use when they encourage their soldiers to fight. Next followed young men, girt about with girdles curiously wrought, who led to the sacrifice one hundred and twenty stalled oxen, with their horns gilded, and their heads adorned with ribands and garlands; and with these were boys that carried platters of silver and gold. After this was brought the gold coin, which was divided into vessels that weighed three talents, like to those that contained the silver; they were in number fourscore wanting three. These were followed by those that brought the consecrated bowl, which Æmilius caused to be made, that weighed ten talents, and was all beset with precious stones. Then were exposed to view the cups of Antigonus and Seleucus, and such as were made after the fashion invented by Thericles, and all the gold plate that was used at Perseus' table. Next to these came Perseus' chariot, in the which his armor was placed, and on that his diadem. And, after a little intermission, the king's children were led captives, and with them a train of nurses, masters, and governors, who all wept, and stretched forth their hands to the spectators, and taught the little infants to beg and entreat their compassion. There were two sons and a daughter, who, by reason of their tender age, were altogether insensible of the greatness of their misery; which insensibility of their condition rendered it much more deplorable; insomuch, that

Perseus himself was scarce regarded as he went along, whilst pity had fixed the eyes of the Romans upon the infants, and many of them could not forbear tears: all beheld the sight with a mixture of sorrow and joy, until the children were past. After his children and their attendants, came Perseus himself, clad all in black and wearing slippers, after the fashion of his country: he looked like one altogether astonished, and deprived of reason, through the greatness of his misfortunes. Next followed a great company of his friends, whose countenances were disfigured with grief, and who testified to all that beheld them, by their tears and their continual looking upon Perseus, that it was his hard fortune they so lamented, and that they were regardless of their own. After these were carried four hundred crowns, all made of gold, and sent from the cities, by their respective ambassadors, to Æmilius, as a reward due to his valor. Then he himself came seated in a chariot magnificently adorned (a man worthy to be beheld, even without these ensigns of power): he was clad in a garment of purple, interwoven with gold, and held out a laurel branch in his right hand. All the army, in like manner, with boughs of laurel in their hands, and divided into bands and companies, followed the chariot and their commander, some singing odes (according to their usual custom) mingled with raillery; others songs of triumphs, and the praises of Æmilius's deeds, who was admired and accounted happy by all men, yet unenvied by everyone that was good."²

SEC. 503. *Gladiators*.—The gladiatorial fight had its origin among the Etruscans; but received most of its development among the Romans, who changed it from a private to a public show; from the accompaniment of a funeral to the main attraction of a state festival; from an

open field, in which relatively few spectators stood, to a permanent amphitheater of brick or stone, in which many thousands occupied comfortable seats; and from several successive duels between untrained slaves, continuing altogether perhaps an hour, to a multitude of duels or of company fights, between warriors of high skill and reputation, succeeding each other rapidly for six or eight hours and for day after day.

Introduced into Rome in 265 B. C., the sword show proved so congenial to the popular taste that it was rapidly developed until it became one of the most prominent features of life in the city on the Tiber. It was regarded not merely as an amusement, but as a school in which the people should learn skill in the use of arms, familiarity with the sight of blood, the uses of courage and coolness in danger, and contempt for death. Consuls about to take the field against formidable foes considered it desirable to give gladiatorial shows to their raw levies. These, instead of being frightened, were stimulated by the carnage. The statesmen and the multitude, the generals and the common soldiers, agreed that next to participation in a real battle to prepare an army for its work, nothing was better than the sight of extensive sword shows.

These became the favorite pleasures of Rome, and custom required the consuls, the triumphing generals, and the emperors to supply these pleasures. The mob of the capital shouted for "bread and games," as their two chief wants which the government should supply, and in that phrase "games" meant mainly sword fights. The most virtuous emperors, including Marcus Aurelius and Antoninus Pius, gave these shows; Martial and Statius commended them; Cicero, Tacitus, and the younger

Pliny mentioned them without censure; and the only notable protest against them in the pagan literature of Rome is made by Seneca.

Repugnant as such exhibitions would be to modern sentiment, they were irresistibly fascinating to nearly all classes of Romans. Eminent statesmen, famous philosophers, noble matrons, virtuous maidens of patrician families, and even the vestal virgins, considered it proper to attend and to express their pleasure. For two centuries after the recognition of Christianity as the established religion of the empire, the gladiatorial show was maintained, and Christians noted for their devoutness admitted that when they had once seen this bloody show, its attraction for them was strong enough to overcome the influence of all adverse opinions. Bullfights, bear baitings, dog fights, cockfights, and boxing matches flourish in modern European nations, and gratify the same feelings as those which made the success of the slaughter entertainments of ancient Rome.

The gladiators were nearly all slaves or condemned criminals, but some were freemen, and more than one emperor went into the bloody arena. Commodus took part in more than one hundred fights of the amphitheater, presumably under such circumstances that he was in little danger of serious injury. Many of the gladiators were proud of their profession, and happy in its exercise. Like famous Spanish bullfighters, the excitement of the conflict and the applause of the victory more than compensated for all the danger. They wanted to be matched against the most formidable competitors, and to fight before the largest assemblages and the most powerful officials. "Such was the ferocity engendered by the habitual use of arms, so soothing to the sword-

man's vanity the consciousness of skill and valor, so stimulating to his pride the thunders of applause from a hundred thousand admirers, that the practice of mortal combat, however unsophisticated nature may blanch at its horrors, was actually the source perhaps of more pleasure than pain to these Roman prize fighters."¹ The successful gladiator was a popular favorite, and when he retired from the arena with freedom as a reward for his courage and skill, he was treated in private life with distinguished consideration.

In his Tusculan conversations, Cicero says: "What wounds do not the gladiators endure without complaint, though they are only criminals or barbarians! How bravely those who are well trained receive the fatal thrust rather than flee disgracefully! How often do they make it their highest ambition to please their masters and the multitude! When they are exhausted with wounds, we see them sending messengers to their masters for their commands, and expressing their readiness to receive the fatal blow, if so ordered. What merely mediocre gladiator ever groaned? What one turned pale? When did one stand or even sink down like a coward? What one after falling, when ordered to die, shrank from the sword? So much power have practice, reflection, and custom."

Schools were established for the education of gladiators, who, while learning, fought with wooden or dull swords, so that they should receive no serious wounds until they appeared in public exhibition. To the owners of these schools, the givers of the shows went to purchase their leading fighters. A large proportion of the combatants were presumably men of little skill, introduced to become victims of the more dextrous, who

were finally pitted against each other. Usually there were only two combatants in the arena at any one time, and when one was disabled, the victor turned to the master of the show, for an order to spare or slay the vanquished. In such case the decision was usually controlled by the shouts or gestures of the multitude, who liked to spare the brave and skillful for another show, or for freedom, which, however, was rarely given to anyone who had not won repeatedly in dangerous combats.

The mob watched the motions with intense excitement; they shouted their satisfaction and their disgust; and also their encouragement and their advice. For them a good show meant a succession of hard fought duels, most of them fatal to at least one of the combatants. They had gestures to indicate their wishes as to life and death, intelligible to the eyes, when the noise was too great to permit their outcries to be understood. In some of the duels, the weapons and defensive arms of the combatants were different. The long sword was matched against the short one; the large shield against the small one; the sword against the spear; the net and trident against the sword and shield, and so on. The best gladiators were Germans, Samnites, Thracians, Spaniards, and Gauls; and different nationalities with their characteristic arms were pitted against each other, for the double purpose of having a more angry fight and of enabling the spectators to understand the various enemies they might have to encounter. For less serious variations, women and dwarfs were also made to fight.

When the gladiatorial shows were at their height, about 250 A. D., not less than two thousand gladiators were slain annually on an average in the capital, and in exceptional years the number was much larger. In the

time of Augustus there were sixty-six festival days, and in that of Marcus Aurelius one hundred and thirty-five holidays in the year; and on perhaps one-third or one-fourth of these, there were gladiatorial shows. At the opening of the Colosseum there was a festival of one hundred days; and Trajan celebrated one of his triumphs with a festival of one hundred and twenty-three days, in the course of which 10,000 men were compelled to fight in the arena. When Julius Cæsar was candidate for ædile, he pleased the people with games, in which six hundred and forty gladiators participated. Although the general custom was that there should be only two combatants matched against each other in the arena at any one time, occasionally they were introduced in companies, one of which was expected to dispatch the other. The contest was always a very serious one; no sham work was tolerated; any attempt to treat the struggle as not meant to be a fight to death, was punished capitally without delay. When a man fell as if dead, he was touched with red-hot iron to find whether any sensation was left; if so he was finished by a thrust undoubtedly mortal. The corpses were dragged out and all thoughts were given to the next fray.

Besides the simple gladiatorial show, there was also the gladiatorial naval battle. For this purpose, the arena of the amphitheater covered with water, an artificial lake, or a natural lake was made the scene of the combat. At different times two lakes were dug in the low land in or near the capital city for such a purpose, one north of the Tiber, the other south of it on the Campus Martius. On one of these Julius Cæsar gave a show with six thousand fighters. Claudius gave a naval gladiatorial show on the lake of Fucino with 19,000 combatants.

For five centuries after their introduction into Rome, gladiatorial shows continued to increase in favor, frequency, and magnitude; for four generations after Christianity had become the established religion of the empire, they held their place; they flourished in every city of Italy; they gained a foothold in the larger cities of Gaul, Spain, Greece, Africa, and Asia under Roman dominion; and they were the main cause of the construction of the amphitheaters which, as a class, are the most remarkable remains of the architecture of the ancient Romans. The Colosseum, or great amphitheater of Rome, was six hundred and twenty feet long, five hundred and thirteen wide, and one hundred and sixty high. It covered an area of more than seven acres, and could furnish seats to 87,000 spectators. Verona, Capua, Pompeii, Arles, and Nismes also have the ruins of amphitheaters.

SEC. 504. *Roman Races, etc.*—Akin to the gladiatorial shows were the fights of men with beasts, including lions, tigers, leopards, panthers, bears, elephants, and wolves. In five days Pompey introduced in the arena five hundred lions and four hundred leopards and panthers to be killed. Julius Cæsar turned in four hundred lions at once, and on another occasion, his show included three hundred cavalry, five hundred infantry, and five war elephants fighting on each side. In the forty-four years of the reign of Augustus, three thousand five hundred elephants were slain for the amusement of Rome. In the games at the opening of the Colosseum, nine thousand beasts were slain. Sometimes giraffes or stags were let loose in the arena, and citizens were admitted by lot, with leave to carry away whatever they could catch or kill.

The chariot race was a favorite amusement for the ancient Romans, and for it they erected their largest buildings. The Circus Maximus in the capital was six hundred yards long and two hundred wide, including within the outer wall twenty-four acres. The number of spectators who could be accommodated with seats, after the last tier of benches had been added, was 350,000, making it the greatest show house the world has ever seen. This Circus was built for the chariot race, but it was also used occasionally for gladiatorial shows, and for battles with wild beasts. As in the Greek so in the Roman chariot race, the team was usually one of four horses abreast. The vehicle, the harness, and the arrangement of the four horses, side by side, all seem very rude to the drivers of the modern racing wagon; but they did not prevent the citizen of Rome, Alexandria, and Constantinople from taking an intense interest in their races, or from becoming zealous partisans of the charioteers, horses, and colors; for every racing team had its distinctive color. A chariot race was usually for five or seven circuits or laps, equivalent to two or three miles; distances too great for the maintenance of the highest rate of speed, but favorable to those charioteers who best knew how to manage the endurance and the speed of their horses. The favorite charioteers were famous men with large incomes. There were also riding races, and foot races; and athletic games of many kinds, copied from those of the Greeks, were introduced into Rome after the establishment of the empire, but they found little favor as compared with the sword shows and chariot races. Besides the Colosseum and the Circus Maximus, Rome in the IInd century A. D. had three theaters, of which the largest had 20,000 seats and the

smallest about half as many. It was partly because of the large size and bad acoustic arrangement of these buildings that the most popular entertainments given in them were pantomimic; some with masked and others with unmasked performers. In some of the plays nude dancers appeared, and language as well as plot was extremely coarse. After pantomime, in attractiveness for the Romans, came comedy, usually a translation from the Greek, and finally tragedy, in which no Roman author produced any original work of much merit. Most of the actors were freedmen or slaves. Comedians expected to derive more profit from lessons in elocution than from pay given directly for their services on the stage.

CHAPTER XXXIV.

EARLY CHRISTIANITY.

SECTION 505. *The Christian Bible.*—Since the beginning of the IVth century of our era, Christianity has been a prominent feature of culture. In ancient and mediæval times it established itself throughout the temperate portions of Europe. For nearly a thousand years it has been the religion of all Euraryan nations. It has accompanied them in their great achievements and shared their political, literary, and artistic triumphs. With them it has occupied all the great centers of enlightenment. It has almost exclusive possession of four continents, Europe, the two Americas, and Australia, and of considerable regions in Asia and Africa. It is “the book” of the progressive nations, of all those countries which, during the last four centuries, have been leading the world in literature, science, industry, and ornamental art, in military power and political freedom, in the accumulation of knowledge, and the rapid increase of population. Its only great rivals—Mohammedanism, Buddhism, Brahmanism, and Confucianism—are the religions of barbarous, ignorant, superstitious, oppressed, and stationary nations.

Palfrey claims that Christianity “has imparted the idea of the nobleness of virtue, an idea which can never be buried. In particular, it has given birth to the before

undreamed-of conceptions of a filial piety, of an unlimited enterprising philanthropy, of a strenuous self-control, of the dignity of a pure life, of the efficiency and loveliness of a pure heart. . . . It has formed some characters such as the ancient world had absolutely, not to say no specimens, but no notions of.”¹

The Christian Bible, which is the foundation of Christianity, has been praised by many great authors as no other book has been. Theodore Parker says of it: “This collection of books has taken such hold of the world as no other. . . . It enters men’s closets, mingles in all the grief and cheerfulness of life. The Bible attends men in sickness, when the fever of the world is on them. . . . It is the better part of our sermons; it lifts man above himself. . . . The timid man about to wake from his dream of life, looks through the glass of Scripture, and his eye grows bright; he does not fear to stand alone, to tread the way unknown and distant, to take the death angel by the hand, and bid farewell to wife, and babes, and home.”²

Here is the opinion of T. H. Huxley: “I have always been strongly in favor of secular education, in the sense of education without theology; but I must confess that I have been no less seriously perplexed to know by what practical measures the religious feeling, which is the essential basis of conduct, was to be kept up, in the present utterly chaotic state of opinion on these matters, without the use of the Bible. . . . Take the Bible as a whole . . . and there still remains in this old literature a vast residuum of moral beauty and grandeur. . . . By the study of what other book could children be so much humanized and made to feel that each figure in that vast historical procession fills in, like themselves,

the interval between two eternities and earns the blessings or the curses of all time according to its effort to do good and hate evil, even as they also are earning their payment for their work.”³ “In the Bible,” as Coleridge observes, “there is more that finds me than I have experienced in all other books put together; . . . the words of the Bible find me at greater depths of my being; and . . . whatever finds me brings with it irresistible evidence of its having proceeded from the Holy Spirit.” Elsewhere the same author writes: “In every generation and wherever the light of revelation has shone, men of all ranks, conditions, and states of mind, have found in this volume a correspondent for every movement towards the better felt in their own hearts. The needy soul has found supply, the feeble a help, the sorrowful a comfort; yea, be the reciprocity the least that can consist with moral life, there is an answering grace ready to enter. The Bible has been found a spiritual world—spiritual and yet at the same time outward and common to all.”⁴ “It is no slight testimony to the adaptation and comprehensiveness of the religious contents of the Bible,” according to Henry Rogers, “that so many millions have declared that all the moods and necessities of their moral and spiritual life are exhaustively expressed there. As there is scarcely any condition in human life but may find its parallel in the scenes of the Scripture history, so may it be truly said that all the phenomena of religious experience are there described with incomparable force. The devout mind finds every shade of emotion,—of penitence, faith, hope, devout aspiration,—and every variation of spiritual consciousness, already expressed to his hand, in words better than his own, and as if by one who knew man better than man

knows himself. His whole nature is reflected, as it were, in that faithful mirror. This is especially the case in the psalms, gospels, and epistles, which have made so many say that they found in the Bible the vivid expression of what, till they read it there, was hardly known to themselves, or could be uttered only in faltering accents and with a stammering tongue.”⁵

In the opinion of Max Muller, Christianity as a religious system based on the Bible “has proved itself the mightiest of all civilizers and the constant champion of the rights and dignity of men.” W. Robertson Smith declares that by its “power of touching the heart and lifting the soul into converse with heaven,” “the Bible approves itself the pure and perfect word of God, a lamp unto the feet and a light unto the path of every Christian.” The development of constitutional liberty in modern Europe is attributed by Guizot to the influence of the New Testament.⁶

Among the most intelligent of our time the opinion in reference to Christianity is common and perhaps dominant that its ecclesiastical organization has become the foundation and the controlling agency of many beneficent social influences which could not be transferred suddenly to any other management; and that therefore, whether the historical statements on which the accepted creeds are based be true or not, an abrupt abandonment of these creeds is not desirable. They have much more faith in the political and social value of Christianity than in its philosophical and historical soundness.

SEC. 506. *Creeds*.—The Christianity of our time is a group of creeds, each of which, through its adherents, claims to be the doctrine taught by Jesus, and denies the divine authority of the others. The most notable of

these creeds are that of the Roman Catholics, that of the Greek Catholics, that of the Trinitarian Protestants, and that of the Unitarian Protestants. According to the Roman Catholic creed, Jesus, while on earth, was entirely human in his body and entirely divine in his soul, a part of the omnipotent, omnipresent, and omniscient triune God, from all eternity. He assumed a human form and lived on earth as a man among men, for the purposes of redeeming mankind from the sin of Adam, and of establishing a new and universal religion, the ultimate and highest possible form of divine truth, a development of the Mosaic law which had been given to man when he was in a barbarous condition and not yet prepared to appreciate a spiritual faith. The divine character and mission of Jesus are proved by his miracles, which are recorded in the New Testament, an inspired record of his life and teachings and of the growth of his church in apostolic times. This record, however, is later in its origin, less complete, less clear, and less authoritative than the tradition of the church. The books of the New Testament were written in apostolic times by the persons whose names they bear. By the appointment of Jesus, the apostle Peter was made the supreme head of the church, with the order that his supremacy should be transmitted to his successors in his episcopal office, which he established first in Jerusalem, then in Antioch, and finally and permanently in Rome. The supremacy of this bishop of bishops is accompanied by an absolute control over the discipline of the church, and authority to render infallible decisions in all questions of faith and morals. In the domain of religion, all men owe obedience to him; and he has exclusive jurisdiction to define the bounds of that domain. There is an eternal future

life with endless rewards for righteousness and endless punishments for sin; and righteousness sufficient for salvation belongs presumably only to the members of the Roman Catholic Church.

The Greek Catholics and Trinitarian Protestants agree with the Roman Catholics in the tenets stated in the preceding paragraph except those of the supremacy of Peter and his successors, and of the general exclusion of persons not Roman Catholics, from salvation. All Trinitarian Protestants regard the New Testament as a higher authority than the tradition of the church, and some of them have no bishops, but accept the synod of priests or the separate congregation as the highest ecclesiastical authority. The Unitarians differ from the Trinitarian Protestants by denying the divinity of Jesus; and many of them use their reason very freely in biblical criticism.

Opposed to these doctrines of the Christian churches is that of the sceptical school of biblical criticism, which teaches that Christianity must be natural, since the Jewish religion, its foundation, is a product of evolution; that if the authors of the New Testament had been inspired, they would not have accepted as true the Pentateuch, which includes legends and antedated books; that since the story of Adam's fall has been proved to be a myth, there is no historical basis for the theory of redemption; that none of the books of the New Testament can be traced to an apostle or disciple of Jesus; that there is no proof that any one of the gospels was accepted as inspired within a century after his death; that, whether considered separately or together, the gospels do not give a distinct statement of the doctrine of Christianity as now understood by any large body of Christians; that the history of the apostolic church in Acts

was written with the purpose of misrepresenting the truth; that the only undoubtedly genuine books in the New Testament are the epistles written by Paul to the Galatians, Corinthians, and Romans; that the reports of the miracles offered and long accepted as conclusive evidences of the divine mission of Jesus are proofs of the ignorance and superstition of the evangelists; that Jesus had no purpose of establishing a new church; and that by his original ideas of doctrine and discipline Paul liberated the new faith from the bondage of the Mosaic law, and laid the foundation of Christianity as a new and universal religion.

In a church which made belief the main element of righteousness and condemned all the unrighteous to endless misery in hell, it was of the utmost importance that the doctrine requisite to salvation should be stated in the fullest and clearest terms by the founder of the faith; that it should be delivered by him to his disciples in a durable record authenticated solemnly; that it should be publicly accepted by them as sacred; and that every Christian country should have at least one unquestionably genuine and correct copy of that original record. All these needful guarantees of the faithful preservation of the doctrine as taught by Jesus are lacking in the New Testament.

SEC. 507. *Luke*.—Four records of the life of Jesus, called evangels or gospels, are included in the New Testament. The first of these is ascribed to the apostle Matthew; the fourth to the apostle John; the second to Mark, who, according to tradition, was a companion of Peter; and the third to Luke, who, it is supposed, was a companion of Paul. Two gospels are attributed to apostles, and two to persons who were not disciples of Jesus.

Neither of the four evangels gives the name of its author, the place or the date of its composition or publication, or recognizes the inspiration or existence of any other part of the New Testament. The first, second, and third gospels are called the synoptical evangels or the works of the synoptists; because in the main points they agree with one another, presenting the same general account of the teachings and movements of Jesus; whereas the fourth gospel gives a different account.

The opening verses of the gospel of Luke deserve attentive consideration. They say, "Forasmuch as many have taken in hand to set forth in order a declaration of those things which are most surely believed among us, even as they delivered them unto us, which from the beginning were eyewitnesses and ministers of the word; it seemed good to me also, having had perfect understanding of all things from the very first, to write unto thee in order, most excellent Theophilus, that thou mightest know the certainty of those things wherein thou hast been instructed."

This language implies that the writer was not one of the disciples of Jesus; that he wrote for a personal friend, not for the general public; that when he wrote all the apostles and eyewitnesses of Jesus were dead; that all his information was obtained from eyewitnesses and none from inspiration; that he did not consider it necessary to give the names of his witnesses; that he did not write at the request or with the approval of any apostle; that before he began to write, "many" gospels were in circulation; that all these earlier gospels were false; that neither the apostles as a body nor any one of their number had made any effort to secure the composition of a gospel; and that he did not consider it necessary to sub-

mit his gospel for approval to any bishop or other sacerdotal authority of his time. By these implications, the author of this gospel discredits not only himself but also the authors of the other three gospels.

The traditions that the name of the author was Luke, that he was a companion of Paul, and that he wrote at the request of Paul, cannot be traced within a hundred years of the apostolic age; and, being without the least corroborating evidence, do not deserve acceptance. Another tradition, that the gospel of Luke was written by the author of Acts, is supported by the first verse of that book, and by the similarity of its style and spirit to that of the third evangel. Acts, however, as we shall see, perverts some important facts of apostolic history, and its author cannot be trusted.

Paul distinctly states that he was appointed an apostle by a special revelation, and thus placed on a level of authority with the twelve. By his silence, Luke implies that this claim was unfounded. Paul tells us that by agreement with the twelve, as well as by direct divine commission, the conversion of the Gentiles was intrusted to him exclusively among the apostles. Luke does not mention such an agreement, and makes statements irreconcilable with it. Acts conveys the idea that Paul spent some time preaching in Judea and Jerusalem, and Paul says he did not. Acts says Paul circumcised his disciple Timothy, but the epistle of Paul to the Galatians implies that he did no such thing. The account of the visit of Paul to Jerusalem about 51 A. D., as given in Acts, does not harmonize with the references to it made by Paul himself. Acts says Paul delivered the decree of a council in Jerusalem to his churches; and Paul implies that he did not. According to Acts Paul solemnly took

a false oath that he did not teach his Jewish converts to neglect the Mosaic law; and he says nothing in his epistles of such an oath.¹

In these questions of veracity between the apostle and the evangelist we must decide in favor of the former, because he published his statements in the cities and to the generation directly familiar with the facts, and because he is in every respect an abler, more sincere, more consistent, and more trustworthy man. All the passages in the epistles of Paul are consistent; whereas some statements in Acts do not harmonize with one another. Its author was evidently familiar with the disputes between the followers of Paul and of Peter, and he wanted to show that the discord was not serious. He wrote a story so framed that it should conciliate both parties and avoid offense to either. He gave great prominence to Peter in the first, and to Paul in the last, part of his book. He spoke of both as if they were the only persons who, in the apostolic period, contributed much to the spread of Christianity. It was presumably for the purpose of gaining the favor of both sides that he presented a peculiar parallelism in the experiences of these two men.

As the name of Peter had been changed from Cephas, so, according to Acts, that of Paul was altered from Saul. As Peter killed Ananias by miracle, so Paul killed Elymas. As a man lame from his birth was cured by Peter, so another was by Paul. As a sick man was healed by the shadow of Peter, so was another by the kerchief of Paul. Peter was released from prison by one miracle, and Paul by another. Both these apostles were taken at different times for gods by the ignorant populace. Paul had a vision in which he was ordered by Jesus to convert the Gentiles, and Peter received similar instructions

in a similar manner. This parallelism is much more credible by faith than by reason.²

Acts tells us that in the council of the disciples held in Jerusalem about 42 A. D. Peter delivered an address in which he said, "A good while ago, God made choice among us, that the Gentiles by my mouth should hear the word of the gospel." In his account of that same meeting Paul says: "James, Cephas [Peter], and John, . . . gave to me and Barnabas the right hand of fellowship, that we should go unto the heathen, and they unto the circumcision [the Jews]." These two statements cannot be explained in such a manner as to bring them into harmony.³

The author of Acts, writing as if he had been a companion of Paul in his last visit to Judea, says: "And when we were come to Jerusalem, the brethren received us gladly. And the day following Paul went in with us unto James; and all the elders were present. And when he had saluted them, he declared particularly what things God had wrought among the Gentiles by his ministry. And when they heard it, they . . . said unto him, Thou seest, brother, how many Jews there are which believe; and they are all zealous [observers] of the [Mosaic] law. And they are informed of thee that thou teachest all the Jews which are among the Gentiles to forsake Moses, saying that they ought not to circumcise their children, neither to walk after the [Mosaic] customs. What is it therefore? The multitude must needs come together [to mob thee], for they will hear that thou art come. Do therefore this that we say to thee. We have four men which have a vow on them. Take them and purify thyself with them, and be at charges with them, that they may shave their heads; and all may know that

those things [accusations] whereof they were informed concerning thee are nothing [that is, are false]; but thou thyself also walkest orderly and keepest the law. . . . Then Paul took the men, and the next day, purifying himself with them, entered into the temple. . . . And when the seven days were almost ended, the Jews which were of Asia, when they saw him in the temple, stirred up all the people and laid hands on him, . . . and went about to kill him.”⁴ From this mob Paul was rescued by the Roman soldiers.

In this story Acts informs us that the apostle advised Paul to take a solemn oath in the temple, according to a customary formula, that he did not advise his Jewish converts to neglect the Mosaic ceremonies; and that he took the oath. In his epistles he distinctly conveys the idea that he taught all his converts to consider the Mosaic law as entirely abrogated for all Christians, whether converted Jews or Gentiles. Here we see that if we believe Paul we must disbelieve Acts.

The tradition that Luke was a companion of Paul and wrote at his request is discredited by the epistles of the latter, which do not mention the third gospel, do not quote any passage in it, do not commend Luke as an author, or as a person familiar with sacred history, and, by implication, reject the ascetic and communistic ideas of the gospel and of Acts. The second epistle of Timothy, a document of doubtful genuineness, though it purports to have been written in Rome by Paul, says, “Luke is with me;” and that is the only mention in the Bible of a person named Luke, except in the heading of the third gospel, and the headings of the biblical books were all added by the copyists.

The gospel of Luke is further discredited by the fact

that it is not an original work. In many passages, its author has copied not only the information and arrangement, but also the phraseology of an older book; and this copying is not limited to the sayings attributed to Jesus, but extends to other material. The plagiarized passages make up a considerable part of the third evangel, and that they were taken from an older book is proved conclusively.⁵

SEC. 508. *Matthew*.—The gospel of Matthew, like that of Luke, is a compilation from Mark or from an older document similar to Mark, but is earlier in date than Luke, and yet is treated by the last as if it deserved no credit. The story of Jesus in the first evangel is written with a vagueness which implies that its author had no direct knowledge of the movements of Jesus, and of the circumstances under which he delivered the various sayings attributed to him.

The personal movements of Jesus from the beginning of his Messianic career until his final arrival in Jerusalem just before his crucifixion are thus stated in the gospel of Matthew. He went about all Galilee; he went into a mountain; he came down from the mountain; he entered into Capernaum; he went into the country of the Ger- gesenes; he came to his own city; he passed forth from thence; he departed thence; he went about all the cities and villages; he departed thence; he went into their synagogue; he withdrew himself from thence; he withdrew himself and sat by the seaside; he departed thence; he came into his own country; he taught in their syna- gogue; he departed thence; he went into a mountain; he went to the sea; he came to the land of Gennesaret; he went to the coasts of Tyre and Sidon; he went into a mountain near the Sea of Galilee; he came into the

coasts of Magdala; he went to Cæsarea Philippi; he went into a mountain; he visited Capernaum; he went to Judea beyond the Jordan; and by way of Jericho he went to Jerusalem.

In this list, twenty-nine movements are mentioned and on ten of these occasions Jesus went to a mountain, a plain, or the seaside, without precise statement of the place; and on six other occasions it is said that "he departed thence" without designation of the place from which or to which he went; and on one occasion after "he departed thence" his next movement was another departure "thence," without further topographical explanation. As to chronology, the gospel of Matthew is even more vague than in regard to locality. It does not specify the year of any occurrence, nor the month of any event save the last visit to Jerusalem and its incidents.

In the matter of persons the gospel of Matthew lacks precision as much as in regard to dates and places. Its miraculous cures, in their order as successively reported, include those of a leper, a palsied servant of a centurion, Peter's mother-in-law sick with a fever, a paralytic, a woman with an ulcer, a lunatic, a paralytic, a blind lunatic, a lunatic daughter of a Canaanitish woman, a lunatic, a pair of lunatics, two pairs of blind men, and on five different occasions two or more people sick or possessed by devils. We are also told that Jesus restored to life the dead daughter of "a certain ruler." In reference to all these miraculous cures, no date is given; in most instances no place is mentioned; and in only one case is a name specified, and that Peter's mother-in-law. The centurion appealed in person to Jesus for help, but his name is not recorded, nor is that of the ruler or of his daughter.

In the account of the movements of Jesus, of his miracles, and of his speeches, extending over the period of a year at least, there is no precise mention of any house in which he lodged, of any host who entertained him, or of any convert whom he made after he selected his apostles. And according to tradition, this gospel was written in the tongue of Judea, by a Jew, for the use of the Jewish people, while the words and deeds of Jesus were still familiar to many living persons who had seen and heard him, who knew the sick whom he had cured, the houses where he stopped, and the people who had been his hosts.

The last supper eaten in Jerusalem was an important event in the life of Jesus, and must have been a most impressive and solemn event to the apostles, but the gospel of Matthew does not designate the house in which it was held, by the name of its owner, by its street, by its quarter of the city, or by any mark that would enable those interested to recall it or to discover it. The destruction of the city in 70 A. D. by the Romans, and the death of the owner of the house, would not excuse the silence about particulars that must have been interesting to people still surviving, if the gospel was published about 70 A. D., as tradition says it was.

We may be sure that Jesus never spoke the words attributed to him in the closing verses of the gospel of Matthew. He did not say to his apostles, "Go ye therefore and teach all nations, baptizing them in the name of the Father, of the Son, and of the Holy Ghost." The apostles did not consider themselves instructed to teach all nations, and they did not baptize anybody "in the name of the Father, of the Son, and of the Holy Ghost." That phrase was unknown to Paul, Mark, Luke, and

John; and it is not introduced and explained in Matthew, as it would have been, or should have been, if used by Jesus. The ideas of the incarnation and trinity were too important, too complex, and too novel to the Jews, to be explained sufficiently with such a phrase, or to be withheld by Jesus from his apostles till after the crucifixion. It is true the first chapter of Matthew tells us that Jesus was begotten by the Holy Ghost, not by a human father, but this story does not agree with the body of the book, which treats Jesus as a man, and not as an incarnate God; nor does it harmonize with the tradition which says that the gospel of Matthew was accepted by the Ebionites, who regarded Jesus as exclusively human in his nature.

Tradition says that the apostle Matthew wrote the sayings of Jesus in the Aramaic tongue, the common speech of the Jewish people in the time of Jesus; but the original gospel, if it ever existed, disappeared fifteen centuries since. Whether the gospel of Matthew, in its Greek form, is a translation from the Aramaic is a matter of surmise. There is nothing in the New Testament to indicate that Jesus or his twelve apostles spoke anything save Aramaic, and not a sentence in Aramaic purporting to have been spoken or written by any of them has been preserved, unless the exclamation on the cross be considered a sentence.

SEC. 509. *Mark*.—The only evidence of the inspiration of the gospel of Mark is the tradition of the church that it was accepted as divine revelation in apostolic times. This tradition, however, cannot be traced beyond 150 A. D., and therefore has little value as proof of what was done before 80 A. D.; especially when it is confronted by superior evidence that in the first century after the death

of Jesus the Christians did not accept any book save the Old Testament as divinely inspired.

The internal evidence does not support the theory of the supernatural authorship of Mark. It has none of the precision of chronology, topography, or personal characteristics that should mark a biography written by a person possessing exact knowledge of his subject. It does not tell the date of the birth or death of Jesus, or furnish material from which we can ascertain the length of his life or the year in which any one event of his history occurred.

Like the other gospels, that of Mark has no distinct statement that Jesus intended to supersede or to reform the Jewish religion and no distinct exposition of doctrines that would suffice as the basis of a new or of a reformed church. Many of its passages imply that it was made up from conflicting traditions and opinions by a compiler who did not consider it his duty to tell a story that would be logically coherent and harmonious. Sometimes his Jesus is and sometimes he is not a friend of the Mosaic law. In one passage his Jesus tells the man who wants to inherit eternal life, "Sell whatsoever thou hast and give to the poor, . . . and come, take up the cross, and follow me." In another passage we are told that "he that believes and is baptized shall be saved." These are not the ideas of the same teacher in the same period of development. One phrase is characteristic of an ascetic and the other of a sacerdotal system.

Between the Synoptists and the fourth evangelist there are irreconcilable conflicts of chronology. According to the former authority the crucifixion occurred on Pass-over, and according to the latter on the next day; if the former be correct, after an uninterrupted public ministry

of fifteen months, and as the latter tells us after one of three years, interrupted by eighteen months of concealment from the Jews; and according to Luke when Jesus was thirty-one years old, whereas John conveys the idea that his age was about fifty.

In regard to the chronology of the Synoptists, James Martineau observes that they "deal with the events of fifteen months, of which more than fourteen are assigned to Galilee; and the whole are supposed to have been spent by them, or their informants, in attendance upon the steps of Jesus. But we hardly realize to ourselves how little of this story is really told. Of the four hundred and fifty days comprised within it, there are notices of no more than about thirty-five; while whole months together—now three, now two—are dropped in total silence. The evangelists, when they speak, know how to recite with sufficient fullness. The day in the cornfield occupies one-tenth of Matthew's history of Christ's ministry; the day of the sermon on the mount, one-eighth; a day in the temple, nearly one-fifth. [The three days occupy more than two-fifths of the whole gospel.] The day of the blighted fig tree occupies more than one-seventh of Mark's gospel. And five days claim in Luke more than one-fourth of his narrative, excluding the legends of the birth and infancy. It appears, therefore, that twelve-thirteenths of the ministry which they describe is left without a record; and that the three gospels move within the limits of the remaining one-thirteenth. How could this be, if they came, whether at first or second hand, from personal attendants of Jesus, cognizant of the whole period alike, or, if absent at all, not all absent together? Even if they were independent selections from a mass of contemporary memorials, preserving fragments only of

the life of Christ, they could not all alight upon materials lying within such narrow range; for the flying leaves, scattered by the winds of tradition, would be impartially dropped from the whole organism of that sacred history, and when clustered by three disposing hands, could never turn out to be all from the same branch. The same amount of blank spaces in which they all have to acquiesce betrays a time when the sources of knowledge were irrecoverably gone; and their large agreement, in what remains, that they were only knitting up, into tissues slightly varied, the scanty materials which came almost alike to all."¹

SEC. 510. *John*.—The Synoptists and John differ in regard to the doctrines, the phraseology, and the companions of Jesus. In one the idea is conveyed that Jesus was a man, in the other that he was an incarnate God; in one that he was an ascetic without mysticism, in the other that he was a mystic without asceticism; in one that he never spoke in parables, and in the other that "without a parable spake he not unto them."¹ In various points the fourth evangel does not agree with the character and career of the apostle John as we know them from other parts of the New Testament. It was written in Greek, and, so far as we know, John was not familiar with that tongue. It is the work of a learned man, and John was ignorant. It has the ideas of the second century of Christianity, and John lived in the first. It comes from an enemy of the Mosaic law, of which John was the strenuous adherent, if we are to believe Paul.

In reference to the personal history of Jesus, to the occupations of his youth and early manhood, to the dates of the principal events of his life, to his age when he began his public career, to the length of time which he

spent in his ministry, to the names of the people whom he healed of disease, or at whose houses he was a guest while traveling—in reference to all these points, the gospel of John is as vague as that of Matthew.

We are told that John was the apostle whom Jesus loved and to whom, when about to be crucified, he intrusted his mother. Yet in the gospel ascribed to this beloved apostle no mention is made of any information that might have been obtained from Mary the mother of Jesus, more authoritatively than from any other source. Neither is there any account of the last years, the holy life, the sacred sorrow, or the death of the mother.

As in the evangel of Matthew, so in that of John, Jesus occupies an indefinable doctrinal position. He does not distinctly teach any leading Christian tenets, save immortality and future retribution. He suggests the incarnation, but does not state it explicitly. He implies hostility to the law of Moses, and yet teaches in the synagogue and temple as if he were a sincere Jew. From this gospel we could never compile the creed and discipline of any modern Christian church.

The miracles reported by John are few in number, and are recorded by him alone, among the four evangelists. According to him, Jesus healed miraculously only three persons; first, the unnamed son, sick with a fever, of an unnamed nobleman of Capernaum; second, an unnamed paralytic, who was told to take up his bed and walk; and third, a blind man. No mention is made of the healing of lunatics, demoniacs, lame men, of multitudes of sick, or of pairs of men afflicted in the same manner. According to John, no miracle was performed by Jesus in Jerusalem, or in the presence of any Greek, Roman, or Pharisee who was converted.

The following peculiar expressions of Jesus are found in no book of the New Testament save the gospel of John.²

"I and my Father are one."

"I am in the Father and the Father in me."

"He that hath seen me, hath seen the Father."

"Before Abraham was, I am."

"I am the light of the world."

"I am the resurrection and the life."

"The Father hath committed all judgment to the Son."

"For judgment I am come into this world."

"I am not of the world."

SEC. 511. *The Gospels*.—No one of the gospels tells us the day, the month, or the year of the birth, or the year of the death, of Jesus. Some scholars think he was crucified in 29; others infer that he lived until 37 A. D. For more than ten centuries the Christian world supposed that Jesus was born in the year 1 A. D.; it has now been proved that he must have been born as early as 5 B. C., that is if the improbable story of Herod's massacre be true. That king died in March of 4 A. D. The mistake was caused by the lack of information about the time of Herod's death, and the lack of any other indication in the gospels of the date of the birth of Jesus. As for the day of his birth, that was not discovered until more than a century after his death, and the method of the discovery then remains a mystery to this day.

Jesus never wrote anything. On one occasion, when he taught publicly, "the Jews marveled, saying, How knoweth this man letters, having never learned?"¹ He had then never received any education. He had no secretary. He did not select any person of literary experience or capacity as an apostle. He did not succeed in

converting any scribe or Pharisee. He did not instruct anyone to write down his sayings or to publish a record of his life. He did nothing to indicate that he wished his work to be made familiar to distant times. After his death, his apostles did not choose a secretary, or establish an office of ecclesiastical records, or order the preparation of an account of the speeches and movements of their Master. The story of their ministry in the New Testament contains no mention of any gospel accepted by or known to them. No manuscript written within a century after the death of Jesus, by a Christian, has come down to us; nor does any Christian inscription dating from that period give us information. For the doctrine and discipline of the church for three generations after the crucifixion we must depend on the vague information of the New Testament and the suspicious traditions of later times.

The apostles, the apostolic fathers who succeeded them, and the post-apostolic fathers in the third generation, accepted as Sacred Scripture no book save the Old Testament. We have no direct proof that the four gospels known to us as those of Matthew, Mark, Luke, and John were in existence before 150 A. D. Twenty years later they were accepted as Sacred Scripture by some Christians and perhaps by Christians generally; but many churches accepted other gospels, which have been excluded from the New Testament. The growth of that collection was slow and gradual. No book in it was ordered to be written, or within three centuries after the crucifixion was accepted, by any council or other authorized representative of the whole Christian church. Different congregations accepted different books, and after centuries of inharmonious usage, the predominant

opinion adopted the books now in the canon and rejected many others that had been used as Sacred Scripture for more than six generations, and some books that had been rejected by many churches for an equally long period were finally admitted into the New Testament.

It is impossible to deduce from the gospels a clear conception of Jesus. The statements made about him are, in many respects, incomplete, improbable, and conflicting. Of his life between his twelfth and his thirtieth year not a word is said. We have no definite information about his education; his training as a carpenter; the department of carpentering to which he gave most of his attention; his mode of working, whether as master or journeyman, and by the job or by the day; his associations, his friendships, or his amusements.

The authors of the four gospels not only had no direct knowledge of Jesus, but they had no trustworthy information at second hand. They made their compilations in a blind way, accepting much that had its origin in the legends of the apostolic and post-apostolic generations. The school of Peter and the school of Paul had each its own myths of Jesus, and some of each have been preserved in the gospels. Much that Jesus said and did has been lost; much that he never said or did has been ascribed to him.

The system of publishing false accounts of the life and doctrines of Jesus, mentioned in the gospel of Luke, was one of the prominent features of early Christianity. There never was such another epidemic of ecclesiastical forgery. The church was flooded with books attributed falsely to apostolic times and authors. The names of many of these books, and the texts of some, are preserved,

Distinguished saints and learned fathers of the faith openly commended the invention and acceptance of falsehoods designed to aid the conversion of the world to what they believed to be truth.

From the facts presented in the preceding portions of this chapter we should draw the conclusions that we have no authentic history of the life of Jesus, and that most of the statements of the gospels in reference to him are to be believed only in so far as they agree with general probability and with the natural course of human events.

SEC. 512. *A Jew*.—Among the many important ideas which have arisen and have gained extended credence in the XIXth century is one that Jesus did not intend to establish a new religion. In other words, instead of being the founder of Christianity, he was merely the occasion of its foundation. Till the day of his death he was a Jew by belief and practice, as well as by birth. He never became a Christian. He never used or heard the words Christian or Christianity or any equivalent of either.

That he had some important project is implied by his devotion of at least a year to his public ministry, by his selection of an apostle or assistant for each of the Jewish tribes, and by his assumption of the title of the Messiah. The evangelists agree in their statements that Jesus was in the habit of teaching his doctrines in the Jewish synagogues. According to Matthew, he "went about all the cities and villages [of Judea] teaching in their synagogues and preaching the gospel of the kingdom." Mark tells us that "he preached in their synagogues throughout Galilee." Luke has a similar phrase. In the evangel of John we read that when questioned by the high priest, Jesus said, "I ever taught in the synagogue

and in the temple, whither the Jews always resort." Thus he claimed to be a Jew; and in no other character could he teach in those buildings with respect or safety for himself. The preaching of Christianity in a synagogue or temple was just as contrary to all the rules of courtesy and justice in the time of Jesus as it is now.¹

The Pharisees rejected his doctrine, but did not exclude him from the synagogue or accuse him of violating its sanctity. They did not habitually shut the doors of their sacred buildings against him, or drive him out with violence. The main complaints which, according to tradition, Jesus made of the Jews, were not that they refused to give him a hearing, but that common people were indifferent and that the Pharisees were hypocritical.

In the speeches attributed to Jesus by the evangelists, we find two sets of opinions, one accepting, and the other rejecting, the ceremonial law of Moses. Thus he said that he came not to destroy but to fulfill the law; that while the earth should stand, not one jot of the law should pass away; that he who quarreled with his brother should take a gift to the altar; that the healed leper should go to the priest and make the offering commanded by Moses; that his preaching was addressed to none save the Jews; that any labor of his in healing a sick Gentile would be like throwing to the dogs the bread that belonged to the Jews; that his twelve apostles should sit upon twelve thrones judging the twelve tribes of Israel; that the Jews should obey the scribes and Pharisees because they sat in Moses' seat; and that the man who violated the rules of the church should be excluded from all fellowship as if he were a Gentile (the last word is translated heathen in the authorized version and correctly rendered in the revised version).²

On the other hand, we are told that Jesus forbade divorce for any cause save adultery, and thus condemned certain provisions of the Mosaic law; that he claimed authority to release men from the obligation of observing the Sabbath; that he said the ceremonial law became obsolete when John the Baptist began to preach; that he instructed his apostles to convert and baptize all nations; that he said "the law and the prophets were until John" the Baptist, implying that they then lost their authority; that the axe was laid to the root of every tree which did not produce good fruit; that every plant which Jehovah did not plant should be rooted up; and that God wanted mercy and not sacrifice.³

These two sets of speeches are irreconcilable with one another. It is not credible that a man of much character and capacity could have used expressions so contradictory unless he changed his opinions and purposes; and no such change is attributed to Jesus. One set must be false; and a great preponderance of the evidences proves the falsity of the phrases hostile to the ceremonial law. The main evidences against these phrases are the actions of Jesus and his apostles in Jerusalem already described.

The number, the nationality, and the commission of the apostles indicated that Jesus had no project of establishing a universal religion. "Peter . . . said unto him, 'Behold, we have forsaken all and followed thee; what shall we have therefor?' And Jesus said unto them, 'Verily I say unto you, That ye which have followed me, in the regeneration when the Son of man shall sit in the throne of his glory, ye also shall sit upon twelve thrones, judging the twelve tribes of Israel.'" The man whose mind was full of a comprehensive scheme for the organization of the Christian church could not have

used such language as this attributed to Jesus. There is no suggestion here of sacerdotal duty attached to the apostolic office.³

Neither Paul in his epistles, nor the author of Acts, nor Peter as reported in Acts, anywhere conveys the idea that Jesus abrogated the Mosaic law or taught neglect of any of its provisions. By claiming that they received direct revelations of the repeal of the rule as to unclean meats, both Paul and Peter, as their stories are told in Acts, imply, in an unmistakable manner, that such a repeal was not one of the teachings of Jesus. But if Jesus accepted that rule, then we must presume that he accepted all the ceremonial laws of Moses, and that he had no conception of a universal religion. It is quite certain that Christianity would have been a failure if all its converts had been required to submit to circumcision, to worship by sacrifice at Jerusalem, and to visit that city at each of the three great annual festivals.

SEC. 513. *Apostles*.—The priesthood is a prominent and essential part of Christianity and has been indispensable to its success and influence. Christians generally believe in the apostolical succession, meaning thereby that Jesus ordained his apostles with sacerdotal authority, which was transmitted to the bishops of the post-apostolic and later ages. The Roman Catholic Church has explicitly declared that its bishops are “the successors of the apostles.”

The office of bishop is conferred by the public and solemn ceremony of episcopal ordination, which in the Roman Catholic Church includes, first, an examination of the bishop elect; second, the administration to him of an oath of allegiance to the pope; third, clothing him with episcopal vestments; fourth, the laying of the hands of

three officiating bishops on the head of the kneeling bishop elect, with the divine commission, "Receive ye the Holy Ghost;" fifth, a prayer by the senior or consecrating bishop; sixth, the anointment of the bishop elect with consecrated oil; seventh, the delivery to the bishop elect of the episcopal staff, episcopal ring, and a book of the gospels; and eighth, the administration to him of the Holy Communion.

This ceremony differs from that with which Moses consecrated Aaron, but that too was designed to be a very impressive proceeding. In the presence of all the congregation of Israel, in front of the tabernacle, Moses washed Aaron, put on him the sacerdotal robe, the miter, and the breastplate with the Urim and Thummim; anointed the altar, the sacred vessels and Aaron; sacrificed a bullock and two rams; touched the right ear, the right thumb, and the right great toe of Aaron with the blood of the sacrifices; sprinkled the blood of the sacrifices on the altar and on the clothes of Aaron; and burned the flesh of the bullock and of the rams on the altar.¹

The tradition of the Christian churches says that Jesus appointed his apostles with episcopal authority and ordained them with ceremonies similar to those now in use. But this tradition finds little confirmation and much contradiction in the New Testament. In the authorized English version two passages in the gospels declare that Jesus "ordained" his apostles, but in the original Greek, two different verbs are used in these passages, meaning in one verse to make and in the other to appoint. The Greek writers of the gospels used no verb that meant to confer sacerdotal office. The statements that Jesus "ordained," confer no distinct idea.²

Matthew says Jesus "called unto him" his twelve apostles and gave them power to "heal the sick, cleanse the lepers, raise the dead, [and] cast out devils." According to Mark, he ordained his twelve apostles "that they should be with him and that he might send them forth to preach." In Luke we read that he "called his twelve disciples together and gave them power and authority over all devils and to cure diseases; and he sent them to preach the kingdom of God and to heal the sick." John tells us that the twelve were "chosen;" and in another passage, presumably relating to the apostles, there is no explicit statement to that effect; he says they were "ordained" or appointed.³

In all these passages there is no statement of any ceremony of ordination, nor is there a suggestion of sacerdotal authority. In the time of Jesus the Greek word *apostolos* was not applied to any religious teacher or high ecclesiastical official. It meant simply a messenger. Of all the duties which the gospels say Jesus imposed on his apostles, before his crucifixion, none are performed by the modern Christian bishops. They do not "heal the sick, cleanse lepers, raise the dead, cast out devils," or "preach the kingdom of God." They baptize, confirm, ordain priests and bishops, and administer the sacraments of marriage, confession, absolution, and holy communion, not one of which ceremonies was mentioned by Jesus in the long address to his apostles recorded in Matthew.

In Acts we have an account of the manner in which the vacancy in the twelve made by the withdrawal of Judas Iscariot was filled. At a meeting of the disciples in Jerusalem, when about one hundred and twenty persons were present, Peter made a speech explaining that

he vacancy should be filled, and that the new apostle should be "a witness with us of his [Christ's] resurrection."⁴ Here again we see that there was no ordination and no mention of sacerdotal duty.

Acts gives an account of the conversion and early ministry of Paul. Ananias, "a disciple" in Damascus, having been instructed by revelation, entered into the room where the converted Paul was, and, putting his hands on him, he said, "The Lord, even Jesus, that appeared unto thee in the way, as thou camest, hath sent me that thou mightest receive thy sight and be filled with the Holy Ghost." And "straightway" Paul began to preach Jesus Christ.⁵

In his Epistle to the Galatians, Paul gives a different account of his authority in the church. He begins by saying that he is "an apostle not of men neither by man, but by Jesus Christ." That means that he had never been ordained by any person. From the apostles at Jerusalem he accepted no ordination for himself or for those whom he appointed to the custody of his churches. He knew nothing of any exclusive authority in the twelve to confer sacerdotal office. Nor does the New Testament in any passage tell in unmistakable language that any person was formally ordained to be a priest or bishop.

The men selected by Jesus to be his apostles, and, presumably, more familiar with his opinions than any other persons, were all Jews. All made their homes in Jerusalem after the crucifixion, and, so far as we can learn from the New Testament, spent the remainder of their lives there. The First Epistle of Peter says its author was at Babylon, but the genuineness of the document is highly questionable, and if genuine has little value, because it

bears no date and does not state how long Peter had been there. In Jerusalem, so far as we can learn, the apostles lived in peace with their Jewish neighbors and enjoyed "favor with all the people," as Acts says. There was none of that bitter animosity which broke out between Judaism and Christianity when the latter became a distinct religion. The followers of the twelve worshiped in the temple and observed all the sacred rites and sacred days of the old law. They had no sacred day of their own. They assumed no distinctive name. They did not formulate a new creed. As Neander says, "they remained outwardly Jews," and they adhered to "the existing religious forms," which, as they understood the teaching of Jesus, were to remain in force until the end of the world. He adds that "the establishment of a distinct mode of worship was far from entering their thoughts; . . . they took part in the temple worship with as much interest as any devout Jew." "Daily in the temple . . . they ceased not to teach and preach Jesus Christ." And the narrative implies that by so doing they gave no serious offense to the priests and elders who formed the municipal council and administered the local government, with authority to enforce their customs and protect their ecclesiastical organization, subject to the provision that no capital punishment could be inflicted without the consent of the Roman Government.⁶

SEC. 514. *Peter*.—In the opening chapters of Acts we find two addresses by Peter, one delivered to the disciples when an apostle to succeed Judas Iscariot was to be chosen, and the other to the Jews on the day of Pentecost. On neither occasion did the speaker mention a new religion, or a church open to Gentiles as well as to Jews, or an abandonment of the Mosaic law. If these

ideas had been in his mind at that time, he could not have omitted some reference to them.

That the apostles and disciples in Jerusalem continued for at least eighteen years to comply with the requirements of the Mosaic law is proved by the epistle of Paul and also by Acts. In the latter book we read that at a time not specified, probably not earlier than 40 A. D., Peter went to Joppa and there ate with Gentiles—that is, he violated the Pharisaic interpretation of one of the Mosaic ceremonial rules—and after his return to Jerusalem, he was called to account by his fellow disciples. He justified his conduct, not on the ground that Jesus had abrogated the ceremonial law of Moses, or any part of it, but that in a dream he had received a divine communication telling him that all manner of beasts, fowls, and creeping things were clean, and that it was lawful for him to keep company with Gentiles, who were “unclean” under the law of Moses. This announcement was accepted as authoritative, but with much surprise, “because that on the Gentiles also was poured out the gift of the Holy Ghost.”¹

This statement of the revelation to Peter, and of its acceptance by the disciples in Jerusalem, is doubtless an invention of the author of Acts. It cannot be brought into harmony with later passages of his own book, nor with the statements of Paul, who is our only trustworthy witness in these matters. According to Acts, about 51 A. D. a council was held in Jerusalem to put an end to the dissension which had arisen in the church on the questions of circumcision and unclean meats. This council decided in favor of Paul, who was in attendance, and the decision as given in a letter addressed not to all Christians but only to “the brethren which are of the

Gentiles in Antioch and Syria and Cilicia"—where Paul had been making converts, informing them that they were not required to observe the Mosaic ceremonial law. It is quite clear that no such council would have been held if the matter had been decided ten years before, as Acts says it had been.

But this account of the council of 51 A. D. is also a fiction. About eight years later Paul went to Jerusalem again, and his appearance there provoked a riot. The mob wanted to kill him because of his hostility to the Mosaic law, and this mob included Jewish Christians as well as Jews. All the Christians in Jerusalem were zealous adherents of the Mosaic law. Some of the leading brethren, presumably apostles, advised Paul to take a false oath that he did not teach his Jewish converts to neglect the law. And, if we can believe Acts, he took that oath. This, however, did not pacify the mob, which would have put him to death if the Roman soldiers had not protected him. They took him to prison and finally to Rome.

This story in Acts implies that the apostolic church adopted one rule of discipline for the Gentile and another for the Jewish Christians; that the latter were, and that the former were not, required to comply with the Mosaic ceremonial law. This duplicity of discipline is not recorded elsewhere. It is not known to Paul; and if it had existed, he could neither have been ignorant of it nor remained silent about it. He tells us that the twelve apostles in Jerusalem, or those of them known to him, favored strict adherence to Moses; and the only way in which he could get along harmoniously with them was by promising to do no missionary work in Judea. He was to labor among the Gentiles.²

SEC. 515. *Paul's Gospel*.—Paul's relation to the twelve apostles was one of decided independence and even of opposition. He acknowledged no subordination to them. He addressed no doctrinal epistle to them or their churches, and received none from them. He made no reports to them. He did not correspond with them regularly. They never invited him to preach to their congregations and he never invited them to address his converts. He declared that he did not owe his conversion, his baptism, or his doctrine to the twelve, and that he never spent any long time in Jerusalem or in Judea as a Christian missionary. He claimed to be an apostle by a secret divine commission, but the twelve never admitted the validity of his claim. They never gave him the title of apostle; they never said anything indicative of willingness to admit him into their councils. Vacancies must have occurred in their number long before he went to Rome, but they never chose him to a vacant place. The following passages from his epistles are indicative of his claims to independence and originality: "I am the apostle of the Gentiles." "He [the Lord] made known unto me . . . the mystery . . . that the Gentiles should be fellow-heirs . . . in Christ." "The gospel which was preached of me is not after man, for I neither received it of man nor was I taught it, but by the [special] revelation of Jesus Christ." "When it pleased God . . . to reveal his Son in me, that I might preach him among the heathen, immediately I conferred not with flesh and blood, neither went I up to Jerusalem to them which were apostles before me. . . . Afterwards I came into the regions of Syria and Cilicia, and was unknown by face to the churches of Judea."¹

"Then fourteen years after [seventeen years after his

conversion, perhaps in 51 A. D.] I went up again to Jerusalem with Barnabas . . . and communicated unto them that gospel which I preach among the Gentiles but privately to them which were of reputation. . . . And when James, Cephas [Peter], and John, who seemed to be pillars, perceived the grace that was given to me, they gave to me and Barnabas the right hands of fellowship, that we should go unto the heathen and they unto the circumcision [the Jews].”²

“I was not a whit behind the very chiefest apostles.”
 “I have preached to you the gospel of God freely.”
 “The truth of Christ is in me.” “Though we or an angel from heaven preach any other gospel unto you than that which we have preached unto you, let him be accursed.”
 “Be ye followers of me, even as I am of Christ.”
 “When God shall judge the secrets of men by Jesus Christ according to my gospel.”³

There is no passage in Paul inconsistent with these quotations; no passage suggesting that the admission of the heathen into the Christian church was an idea of Jesus, or that it was accepted by the twelve apostles in Jerusalem before the conversion of Paul, or that he received any instruction from them or acknowledged any duty of obedience or submission to them.

This gospel which Paul preached and which, according to his boast, was original with him, included many tenets not found in the four gospels or not set forth there in unmistakable terms. By implication, it repudiated the ascetic and communistic maxims of the synoptic gospels,—maxims unsuitable for the guidance of any prosperous and progressive state. On the other hand, it did teach a high conception of a spiritual and universal faith, decidedly superior to any ecclesiastical doctrine pre-

viously taught among men. It proclaimed the abrogation of the Mosaic ceremonial law. It proclaimed that the unsearchable riches of Christ were to be distributed as freely among the Gentiles as among the Jews. It announced itself as a new and independent religion; and popular speech recognized the correctness of the claim by calling its adherents Christians, and their doctrine Christianity.

SEC. 516. *Apostolic Charge*.—Soon after Jesus had selected his twelve apostles, according to Luke, he “gave them power and authority over all devils and to cure diseases. And he sent them to preach the kingdom of God, and to heal the sick. And he said unto them: ‘Take nothing for your journey, neither staves nor scrip, neither bread, neither money; neither have two coats apiece. And whatsoever house ye enter, there abide and thence depart. And whosoever will not receive you, when ye go out of that city shake off the very dust from your feet for a testimony against them.’”¹

This is the entire charge of Jesus to his apostles when he sent them out to convert the world, as reported by Luke, who claims to give the address or a portion of it, and that presumably the most important portion, word for word. The language here attributed to Jesus conveys no idea that he had any purpose of founding a new church. Neither here nor anywhere else, in the language attributed to him in the New Testament, does he explain the phrase “the kingdom of God” to mean a new ecclesiastical organization. In several passages he does use it to signify the celestial dominion after the destruction of the world; and this is therefore presumably its meaning everywhere.

The gospel of Matthew is much fuller than that of

Luke in its report of the charge of Jesus to his apostles. Here is the text complete: "These twelve Jesus sent forth and commanded them, saying: 'Go not into the way of the Gentiles, and into any city of the Samaritans enter ye not; but go rather to the lost sheep of the house of Israel. And as ye go, preach, saying, The kingdom of Heaven is at hand. Heal the sick, cleanse the lepers, raise the dead, cast out devils; freely ye have received, freely give. Provide neither gold, nor silver, nor brass, in your purses; nor scrip for your journey; neither two coats, neither shoes, nor yet staves, for the workman is worthy of his meat. And into whatsoever city or town ye shall enter, inquire who in it is worthy; and there abide till ye go thence. And when ye come into a house, salute it. And if the house be worthy, let your peace come upon it, but if it be not worthy, let your peace return to you. And whosoever shall not receive you nor hear your words, when ye depart out of that house or city, shake off the dust of your feet. Verily I say unto you, it shall be more tolerable for the land of Sodom and Gomorrah in the day of judgment than for that city.

"Behold I send you forth as sheep in the midst of wolves; be ye therefore wise as serpents and harmless as doves. But beware of men; for they will deliver you up to the councils, and they will scourge you in their synagogues; and ye shall be brought before governors and kings for my sake, for a testimony against them and the Gentiles. But when they deliver you up, take no thought how or what ye shall speak; for it shall be given you in that same hour what ye shall speak. For it is not ye that speak, but the Spirit of your Father which speaketh in you.

"And the brother shall deliver up the brother to death,

and the father the child; and the children shall rise up against their parents, and cause them to be put to death. And ye shall be hated of all men for my name's sake; but he that endureth to the end shall be saved. But when they persecute you in this city, flee ye into another; for verily I say unto you, Ye shall not have gone over the cities of Israel, till the Son of man be come.

“The disciple is not above his master, nor the servant above his lord. It is enough for the disciple that he be as his master and the servant as his lord. If they have called the master of the house Beelzebub, how much more shall they call them of his household? Fear them not therefore; for there is nothing covered, that shall not be revealed; and hid, that shall not be known.

“What I tell you in darkness, that speak ye in light; and what ye hear in the ear, that preach ye upon the housetops. And fear not them which kill the body, but are not able to kill the soul; but rather fear him which is able to destroy both soul and body in hell.

“Are not two sparrows sold for a farthing? And one of them shall not fall on the ground without your Father. But the very hairs of your head are all numbered. Fear ye not, therefore, ye are of more value than many sparrows. Whosoever, therefore, shall confess me before men, him will I confess also before my Father which is in heaven. But whosoever shall deny me before men, him will I also deny before my Father which is in heaven.

“Think not that I am come to send peace on earth; I am come not to send peace, but a sword. For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter-in-law against her mother-in-law. And a man's foes shall be they of his own household. He that loveth father or

mother more than me is not worthy of me; and he that loveth son or daughter more than me is not worthy of me. And he that taketh not his cross and followeth after me, is not worthy of me. He that findeth his life shall lose it; and he that loseth his life for my sake shall find it. He that receiveth you, receiveth me, and he that receiveth me receiveth him that sent me. He that receiveth a prophet in the name of a prophet, shall receive a prophet's reward; and he that receiveth a righteous man shall receive a righteous man's reward. And whosoever shall give unto one of these little ones a cup of cold water only in the name of a disciple, verily I say unto you, He shall in nowise lose his reward.' " 2

This charge, as reported by Matthew, was evidently written by a weak man, who supposed that Jesus gave a charge to his apostles, and undertook to compose something suitable to the occasion. He omitted nearly all the main ideas that would have been appropriate in an address instructing the twelve to preach the foundation of Christianity. While pretending to instruct, the charge fails to give any important instruction. It does not say whether Jesus wished to reform or to supersede Judaism; whether his principal purpose was ecclesiastical, moral, political, or sanitary. The remarks about healing the sick and casting out devils are the most explicit of all the instructions. Certainly no reader can learn from that charge that Jesus intended to establish a new religion; and much less can he learn any feature of the faith or discipline of a projected new church. And this address is that portion of the New Testament where such information should be given most clearly.

There is not room here for all the speeches attributed to Jesus by the evangelists; but in none of those here

omitted is there any definite statement of doctrine or discipline that would suffice as a basis for a new church. He made no doctrinal definition and no ecclesiastical organization. He did not use the key words of the original doctrines necessary to Christianity or a new church, nor the key words of ideas afterwards associated with, but not necessary to, Christianity, such as Incarnation, Trinity, Immaculate Conception, and Transubstantiation.

SEC. 517. *Judgment Day*.—The subjects to which the most space or most prominence is given in the sayings attributed, in the gospels, to Jesus, are, first, the Mosaic law; second, judgment day; third, faith; fourth, the sins of the Pharisees; fifth, ascetic morality; and sixth, his divine commission. His remarks about the Mosaic law have been considered in previous sections; and we shall now pass to the other points.

We are told that Jesus, besides accepting the doctrine of a final judgment day, taught that it was near at hand, and was to come with the destruction of the world in his own generation. From the beginning of his public ministry the main idea of his preaching was, "Repent, for the kingdom of Heaven is at hand." That kingdom was to be established immediately after the end of the world. He not only preached this doctrine himself, but he told his apostles to preach it. He said, "There be some here which shall not taste death till they have seen the kingdom of God come with power." The terms "kingdom of God" and "kingdom of heaven" are used with various significations in the New Testament; but in this sentence the "kingdom of God" evidently means the rule of Jehovah after the earth shall have been destroyed, Satan finally imprisoned in hell, and the righteous admitted to their reward in heaven.

Jesus said: "When the Son of man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory; and before him shall be gathered all nations, and he shall separate them one from another, as a shepherd divideth his sheep from the goats; and he shall set the sheep on his right hand, but the goats on the left. Then shall the King say unto them on his right hand, 'Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world.' . . . Then shall he say also unto them on the left hand, 'Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels.'" "The Son of man shall send forth his angels, and they shall gather out of his kingdom all things that offend, and them which do iniquity; and shall cast them into a furnace of fire. There shall be wailing and gnashing of teeth."¹

"The days will come in which there shall not be left one stone [of the temple] upon another. . . . And they asked him saying, 'But when shall these things be?' . . . Then said he unto them, 'Nation shall rise against nation, and kingdom against kingdom; and great earthquakes shall be in divers places, and famines and pestilences; and fearful sights shall there be from heaven. . . . And when ye see Jerusalem compassed with armies, then know that the desolation thereof is nigh. . . . There shall be great distress in the land, and wrath upon this people. And they shall fall by the edge of the sword, and shall be led away captive into all nations. . . . Verily I say unto you, This generation shall not pass away, till all be fulfilled. Heaven and earth shall pass away, but my words shall not pass away.'"²

Many of the expressions and ideas ascribed to Jesus by the evangelists are not mentioned in the epistles, but the near approach of the end of the world seems to have been prominent in the minds of nearly all the writers of New Testament books. It is repeatedly mentioned by Paul. He speaks of his own generation as "those upon whom the ends of the world are come," and in the First Epistle to the Thessalonians, if that be his work, he says: "The Lord himself shall descend from heaven with a shout, . . . and the dead in Christ shall rise first. Then we which are alive and remain shall be caught up together with them in the clouds to meet the Lord in the air." The main idea of Revelation is the speedy return of Jesus to judge the world. "The time is at hand. . . . Behold I come quickly."³ It is evident that if the world was to come to an end in the generation of Jesus—that is, within the third of a century—there would be no opportunity for the establishment of a permanent church, and no sufficient motive for adopting an elaborate ecclesiastical organization, suited for permanence.

SEC. 518. *Faith*.—The gospel of Mark states in very plain words that belief is an indispensable part of righteousness: "He that believeth not shall be damned." In the fourth evangel Jesus is represented as saying, "He that believeth on me hath everlasting life." There is no suggestion in any part of the New Testament that faith should be founded on a careful study of evidence. To Thomas, Jesus said, "Because thou hast seen me, thou hast believed; blessed are they that have not seen and yet have believed."¹

Faith in Jesus and repentance for sin are, in some passages, treated as equivalents. Jesus thus denounced the

unbelieving cities of Galilee: "Woe unto thee, Chorazin! Woe unto thee, Bethsaida! For if the mighty works which were done in you had been done in Tyre and Sidon, they would have repented long ago in sackcloth and ashes. But I say unto you, It shall be more tolerable for Tyre and Sidon at the day of judgment, than for you. And thou, Capernaum, which art exalted unto heaven, shalt be brought down to hell; for if the mighty works which have been done in thee, had been done in Sodom, it would have remained until this day. But I say unto you that it shall be more tolerable for the land of Sodom in the day of judgment than for thee."²

We are told in the gospel of Mark that Jesus said that those persons who believe should have power to "cast out devils;" and according to the Synoptists, he frequently cured demoniacs, or persons of whom evil spirits had obtained control. The following is one of the most notable cases in which he expelled demons. "And when he [Jesus] was come to the other side [of the lake of Galilee] into the country of the Gergesenes, there met him two [lunatics] possessed with devils, coming out of the tombs, exceeding fierce, so that no man might pass by that way. And behold they [the devils] cried out, saying, 'What have we to do with thee, Jesus, thou Son of God? Art thou come hither to torment us before the time?' And there was a good way off from them a herd of many swine feeding, so the devils besought him, saying, 'If thou cast us out, suffer us to go away into the herd of swine.' And he said unto them, 'Go.' And when they were come out, they went into the herd of swine; and behold the whole herd of swine ran violently down a steep place into the sea and perished in the waters." A Phœnician woman had a daughter of whom a demon had

taken possession, and Jesus, after driving out the evil one, said to the mother, "The devil is gone out of thy daughter."³

The New Testament tells us that the miraculous powers possessed by Jesus were transmitted by him to all persons who sincerely believe in him. When taking leave of the apostles after his resurrection, he said to them, as reported by Mark, "These signs shall follow them that believe; in my name shall they cast out devils; they shall speak with new tongues; they shall take up serpents; and if they drink any deadly thing, it shall not hurt them; they shall lay hands on the sick, and they shall recover."⁴

These same miraculous powers are claimed by the priesthood of the Roman Catholic Church in the present day for themselves and for the holy relics in their possession. They tell us of miracles performed by their missionaries among savages, where miracles are supposed to be most needed, and of supernatural cures performed by the waters of the holy fountain of Lourdes and by the holy coat of Treves. As Jesus performed no miracle in Jerusalem, and none in the presence of any high priest or Roman official whose name is given, so the Roman Catholic priests of our time perform none in London or Paris, and none elsewhere in the presence of distinguished Protestants or sceptics. The ancient and modern miracles are mostly cures of disease, under circumstances in which the ailment is imaginary, or the report of the cure suspicious. The construction of great architectural monuments, the introduction of important improvements in industry, and valuable contributions to scientific knowledge are never the results of supernatural power.

The aid of faith is necessary in the working of miracles. Jesus said, "If ye have faith as a grain of mustard seed

[that is, in the smallest possible quantity] ye shall say unto this mountain, 'Remove hence to yonder place,' and it shall remove." On another occasion he said, "If ye have faith and doubt not, . . . if ye shall say unto this mountain, 'Be thou removed and cast into the sea,' it shall be done." He also said, "All things whatsoever ye shall ask in prayer, ye shall receive."^b

SEC. 519. *Pharisees*.—It has been a custom with ascetics and anarchists to denounce not only rich men, but also those intellectual leaders who give their influence to support established institutions. In harmony with this usage, the ascetic writer, who furnished much of the material for the synoptical gospels, represented Jesus as cursing the lawyers, the scribes, and the Pharisees. The two latter classes are spoken of as though they were all hypocrites, and oppressors of the poor; though our information from other sources leads us to believe that they were no worse relatively in Judea than the scholars and scribes in other countries. Jesus said: "Woe unto you, scribes and Pharisees, hypocrites, for ye devour widows' houses, and for a pretense make long prayers. Therefore, ye shall receive the greater damnation. Woe unto you, scribes and Pharisees, hypocrites! for ye compass sea and land to make one proselyte; and when he is made, ye make him twofold more the child of hell than yourselves. . . . Ye blind guides, which strain at a gnat and swallow a camel. Woe unto you, scribes and Pharisees, hypocrites! for ye make clean the outside of the cup, but within they are full of extortion and excess. . . . Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness. Even so ye

also outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity. . . . Ye serpents, ye generation of vipers, how can ye escape the damnation of hell?"¹

Addressing himself to the multitude in his Sermon on the Mount, Jesus said, "Except your righteousness shall exceed the righteousness of the scribes and Pharisees, ye shall in no case enter the kingdom of Heaven." This language implies that the scribes and Pharisees shall "in no case" be saved. Nevertheless, Jesus sometimes sought the company and accepted the hospitality of these children of perdition. On one occasion "he went into the house of one of the chief Pharisees to eat bread," and there is no mention of an invitation.²

On another occasion "a certain Pharisee sought him [Jesus] to dine with him, and he went in and sat down to meat. And when the Pharisee saw it, he marveled that he had not first washed before dinner. And the Lord said unto him, 'Now do ye Pharisees make clean the outside of the cup and the platter, but your inward part is full of ravening and wickedness. Ye fools, did not He that made that which is without, make that which is within also? . . . But woe unto you, Pharisees; for ye tithe mint and rue, and all manner of herbs, and pass over judgment and the love of God. . . . Woe unto you, scribes and Pharisees, hypocrites! for ye are as graves which appear not. . . . Woe unto you also, ye lawyers, for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers.'"³

After that dinner with the Pharisee—how long after is not explained—Jesus went on a Sabbath into the synagogue—where is not stated—and there cured a paralytic

woman. The ruler of the synagogue thought such healing was unsuitable for the sacred day, and said so. Jesus replied: "Thou hypocrite, doth not each one of you on the Sabbath loose his ox or his ass from the stall and lead him away to watering? And ought not this woman, being a daughter of Abraham, whom Satan hath bound lo these eighteen years, be loosed from this bond on the Sabbath day?"⁴ The ruler of the synagogue was inconsistent, but inconsistency is found in many people who are not hypocritical.

SEC. 520. *Bodily Resurrection*.—The New Testament teaches that the soul is attached inseparably to the material body; that it goes down with it to the grave; that it remains there unconscious till the day of final judgment; and that then the body and soul come forth to their final home in heaven or hell. The Roman Catholic, the Greek, the Anglican, the Lutheran, and the Calvinistic churches agree in accepting the so-called Apostles' Creed, which explicitly accepts "the resurrection of the body" as a fundamental article of faith, and uses the word body in its plain meaning. Those churches also accept the dogma that the body of Jesus was thoroughly material. It was nourished by food; it was subject to death; and by crucifixion it was deprived of life; but, unlike the ordinary human body, it arose from the grave on the third day after its burial. This was a bodily resurrection, a rising again, a revivification of a body that had been dead. The word resurrection could not be applied properly to the continuation of the life of an immaterial soul which retained its consciousness after the death of the body and was not in any manner attached to the corpse.

In the third gospel we read that when Jesus reappeared

among his disciples after his crucifixion, "they were terrified and affrighted, and supposed they had seen a spirit. And he said unto them, . . . 'Handle me and see, for a spirit hath not flesh and bones as ye see me have.' And when he had thus spoken, he showed them his hands and feet. And while they yet believed not for joy and wondered, he said unto them, 'Have ye here any meat.' And they gave him a piece of broiled fish and of a honeycomb. And he took it, and did eat before them. . . . And it came to pass while he blessed them, he was parted from them and carried up into heaven."¹

According to the gospel of John, after his resurrection, Jesus showed his hands and his side to his disciples, and when the apostle Thomas remarked that a mere sight was not sufficient to convince him, Jesus said to him, "Reach hither thy hand, and thrust it into [the wound in] my side." This satisfied the doubter. The restoration of Lazarus, as told in the gospel of John, is not a resurrection for an eternal life, but a restoration for an additional term of earthly existence. It may, however, be considered as analogous to the final resurrection. Lazarus is represented as having been dead four days, in which time plain signs of decomposition had made their appearance.²

The Anglican Church in its creed (the Thirty-nine Articles) declares that "Christ did truly rise again from death, and took again his body with flesh, bones, and all things appertaining to the perfection of man's nature, wherewith he ascended into heaven, and there sitteth till he return to judge all men at the last day." When Paul said that "if there be no resurrection of the dead, then is Christ not risen," he implied that the resurrection is the same for the common man as it was for Jesus.³

The gospel according to Mark has the following story: "Then came unto him the Sadducees, which say there is no resurrection, and they asked him saying, 'Master, Moses wrote unto us, If a man's brother die and leave his wife behind him, and leave no children, that his brother should take his wife, and raise up seed unto his brother. Now there were seven brethren; and the first took a wife, and dying left no seed. And the second took her and died, neither left he any seed, and the third likewise. And the seven had her, and left no seed. Last of all the woman died also. In the resurrection therefore, when they shall rise, whose wife shall she be of them? for the seven had her to wife.' And Jesus answering said unto them, . . . 'When they shall rise from the dead, they neither marry nor are given in marriage, but are as the angels which are in heaven.'"⁴ This question and the response to it presuppose a belief in the resurrection of the material body.

In his address at Pentecost, Peter said of Jesus, "His soul was not left in hell, neither did his body see corruption." This phraseology implies that the corporeal substance of Jesus never decomposed, but that as it was on earth, so it ascended to and remained in heaven, preserving there the same material nature which the ordinary human body has in its normal life. It is part of the creed of the Roman Catholics and of most other Christians that the body of Jesus was exactly like that of the average man in its general physical elements, anatomical organs, and physiological functions. According to John, Jesus said, "The hour is coming in which all that are in the graves shall hear his voice and shall come forth; they that have done good, unto the resurrection of life, and they that have done evil, unto the resurrection of

damnation.”⁵ This conveys the idea that the souls of the dead remain in the grave until the final judgment, hearing nothing and knowing nothing until they are aroused by the trumpet call of the last day.

Paul does not accept the theory that the material body will accompany the soul in a future life. He declares that “flesh and blood cannot inherit the kingdom of heaven.” He compares burial to the sowing of grain, of which the new crop springs from the decomposition of the seed. “So also is the resurrection of the dead. It is sown in corruption; it is raised in incorruption. . . . It is sown a natural body; it is raised a spiritual body.”⁶ The theory of Paul could not be brought into harmony with the statements of the evangelists, and it was rejected by the early church.

SEC. 521. *A Material Hell.*—The resurrection of the body implies that heaven and hell are material places; and they are so represented in many passages of the Scripture. Satan and his angels are actual and visible people. Satan took Jesus to a pinnacle of the temple of Jerusalem, and afterwards took him up into an exceeding high mountain, there showed him all the kingdoms of the world, and said unto him, “All these things will I give thee, if thou wilt fall down and worship me.”¹ This story conveys the idea of a material devil and an actual conversation. The materiality of hell has been accepted by nearly all Christians until within recent years; and has been taught by such eminent poets as Dante, Milton, and Tasso, and by such distinguished theologians as Tertullian, Jerome, Thomas Aquinas, Massillon, Jeremy Taylor, and Jonathan Edwards. Until this century it was the custom of the Roman Catholics to exhibit pictures showing the torture practised in the infernal regions.

The material hell has material fire "prepared for the devil and his angels," where the damned suffer with "weeping and gnashing of teeth," where the "fire is not quenched," where the flames are fed with brimstone, where the torments shall endure forever, and where the physical sufferings are aggravated by witnessing the pleasures of the righteous in heaven.²

One of the most celebrated sermons of Massillon, the most eminent pulpit orator of France, relates to the picture of Lazarus in Paradise. He represented Dives in the flames of hell looking up at Lazarus enjoying celestial delights in the bosom of Abraham; and this sight was one of the circumstances of his punishment. The beggar, covered with ulcers, whom he had not deigned to honor on earth with a glance,—this beggar was now in the place of refreshing peace, while he was broiled in eternal flames. What a parallel between the two! What wishes that he had obtained the fate of Lazarus! What rage, that he had lost it! He saw the serenity, the always new delights enjoyed by the one who was a mendicant on earth; and then his thoughts fell back upon himself with frightful force while he contemplated his own miseries. Tortured more by the ever-present image of the happiness which he had lost than by the horror of the agonies he was enduring, he was burned more by Heaven than by hell. Thus it is that in the conception of the orthodox Christian, Jehovah will open the bosom of his glory through all eternity; that he will display the heavens before the millions of the accursed, precipitated by his vengeance into the everlasting abyss; and that there he will exhibit to every damned soul the sight best calculated to nourish its fury and to augment its punishment.³

As the sinners in hell will feel increased misery because of their glimpses of heaven, so the saints will be happier when they look down into the other place. As Edwards says, "When the saints in glory therefore shall see the doleful state of the damned, how will this heighten their sense of the blessedness of their own state, so exceedingly different from it! When they shall see how miserable others of their fellow-creatures are, who were naturally in the same circumstances with themselves; when they shall see the smoke of their torment and the rasping of the flames of their burning and hear their dolorous shrieks and cries, and consider that they in the meantime are in the most blissful state, and shall surely be in it to all eternity, how will they rejoice!"⁴

SEC. 522. *Mundane Depravity*.—According to Jesus, the world is under the control of Satan, who is "the prince of this world;" and because of its subjection to the evil one, the world hated Jesus. As the world does not love righteousness, so no righteous person can love the world. "If," said Jesus, "any man . . . hate not . . . his own life, . . . he cannot be my disciple;" and again he said, "He that loveth his life shall lose it; and he that hateth his life in this world, shall keep it unto life eternal." On another occasion he told his hearers that "if any man will come after me, let him deny himself." "Blessed are the poor in spirit, for theirs is the kingdom of heaven. Blessed are they that mourn, for they shall be comforted. Blessed are the meek, for they shall inherit the earth." "Blessed are ye when men shall hate you, . . . for behold your reward is great in heaven." "Woe unto you that laugh now, for ye shall mourn and weep."¹

According to the New Testament, this life is a mere

antechamber of another to come hereafter. It is brief, and the other is eternal. It is a place of probation and the other of fruition. It is base, and for the saints the other is glorious. The chief duty of man on earth is to qualify himself for heaven by acquiring righteousness, which includes faith, acceptance of baptism, obedience to Christian priests, and the observance of the ascetic rules laid down by Jesus.

“Whether,” says Massillon, “we consider worldly prosperity by the impression which it makes on the heart to corrupt it, or by the facilities which it offers for the gratification of the passions, when the heart is already corrupt, we must admit that salvation is so difficult in this condition of felicity and abundance that the righteous man should regard worldly prosperity as a present which God usually gives to men who are to be victims of his wrath. . . . A Christian soul should live as a stranger on the earth; his origin, as Tertullian says, his home, his hope, his nobility, his crown, are in heaven; and his heart ought to be where his treasure is. If it ceases for one moment to sigh for its country, it ceases to belong to the future age and to the church of the first-begotten; if it takes pleasure in its exile, it is no longer worthy of the inheritance. Its desire makes here below all its piety; its anxiety makes all its merit; it should have all its consolation in its hopes. But this disposition, so essential to the faith, is effaced by the first impression made by prosperity on the heart, the impression of attachment to the earth. . . . It is difficult to be displeased where everything smiles upon us; to regard a world of delights as a place of exile; to give all our thoughts to another world when this one seems to belong to us; . . . to groan, like the prophet, about

the tediousness of our pilgrimage, when we do not feel its toils or its worries; and to long for the other life, while this one tempts us with its enchantments. . . .

"If you ask what there is wrong in the disposition to enjoy the world, . . . I reply with St. Augustine, that if your desires could control your fate, you would live forever on the earth; you would accept as a favor the privilege of living eternally in material pleasures, far from God; if you could obtain this world for a perpetual home, you would not pray for another."²

"A Christian is a child of the promises, a man of the future existence, a citizen of heaven, a portion of Christ, a person who longs without ceasing for his reunion with this mystical body, a person who advances every day towards spiritual perfection, and will never reach it until he arrives at his celestial home." "Faith teaches us that we are detestable; for there is nothing lovely save the celestial order which we have violated; there is nothing lovely save truth and justice which we have deserted; there is nothing lovely save the work of God, and we are the work of sin. Therefore, we should hate ourselves; otherwise we would be unjust and would contradict the liveliest sentiments of our consciences." "The gospel has no anathemas save for those who receive their gratifications in this life. Everywhere woe is predicted for those who laugh and are satiated; everywhere the promises of consolation are made only to those who suffer here below; everywhere the present world is delivered to the sinners as their possession and their inheritance; everywhere the recompenses of the saints on earth are tears and afflictions; and everywhere, finally, their kingdom is not of this world."³

To the question whether the proportion of those to be

saved is small, Massillon replies that there were many widows in famine-stricken Israel, and that the widow of Sarepta was the only one who deserved to be succored by the prophet Elijah; that the number of lepers was great in Israel in the time of the prophet Elisha, and yet that Naaman was the only one cured by the man of God. In all ages the chosen have been few. The family of Noah were selected from all alive on the earth to be saved from the flood; Abraham alone was selected to become the custodian of the covenant; out of 600,000 Hebrews, who emigrated from Egypt, Joshua and Caleb were the only ones who entered the promised land; Job was the only righteous man in Uz, as was Lot in Sodom; and the three Jewish children were the only righteous descendants of Abraham in the Babylon of their time. The suggestions of these frightful figures are corroborated by the expressions of the prophets. In Isaiah you observe that the faithful are likened to the grapes left on the vines after the vintage, and to the ears of corn not reaped at the close of the harvest. Jesus has spoken of the two roads, one narrow and rough, traveled by the few; and the other smooth and broad, lined with flowers, and covered with the multitude of wayfarers.⁴

As the earth was the detested realm of Satan, and life hateful in the language attributed to Jesus, so humanity itself was corrupt. The Jews of his time were an "evil and adulterous generation." The scribes and Pharisees were vipers. The cities of Galilee were accursed. In all the earth there was not one good man. The teaching of Jesus was understood by Paul to mean that the multitude are "vessels of wrath fitted to destruction." He says, "The carnal mind is enmity against God;" and, "There is none righteous, no, not one." St. Augustine,

Calvin, Massillon, Jonathan Edwards, and all those eminent preachers who have been the most logical ministers of the gospel, accept and emphasize these ideas of Paul. Calvin declares that "there never was an action performed by a pious man which, if examined by the scrutiny of divine justice, would not deserve condemnation." According to Augustine, "man of himself is a devil."⁵

The ideas that human nature is totally depraved as a punishment purposely inflicted on it for the sin of the first man, and that a just and loving Creator and Governor of the universe, acting in consistency with his attributes, could condemn the great majority of his children to infinite and eternal misery for the sin of Adam, were found in the Scriptures and until this century were accepted by all the large Christian sects, and are even now accepted by them nominally; but the priests have learned that their congregations resent any preaching of such offensive doctrines, and, therefore, say little or nothing about them. The question whether these ideas are scriptural has been superseded by another whether they are reasonable; and by reason the decision has already been rendered. Oliver Wendell Holmes declares that civilization "is outgrowing the Christian Tartarus;" and that "all the stories that can be found in old manuscripts will never prevent the going out of the fires of the legendary Inferno."⁶

"Such teaching" as the Augustinian doctrine of the damnation of unbaptized infants and the Calvinistic doctrine of reprobation observes Lecky "is, in fact, simply dæmonism, and dæmonism in its most extreme form. It attributes to the Creator acts of injustice and of barbarity which it would be absolutely impossible for the imagination to surpass, acts before which the most monstrous

excesses of human cruelty dwindle into insignificance, acts which are in fact considerably worse than any that the theologians have attributed to the devil.”⁷

“The main object of the Catholic priests has been to make death in itself as revolting and appalling as possible, and by representing escape from its terrors as hopeless, except by complete subjection to their rule, to convert it into an instrument of government [and revenue]. By multiplying the dancing or warning skeletons, and other sepulchral images representing the loathesomeness of death without its repose; by substituting inhumation for incrimation and concentrating the imagination on the ghastliness of decay; above all by peopling the unseen world with demon phantoms and with excruciating tortures, the Catholic Church succeeded in making death in itself unspeakably terrible, and in thus preparing men for the consolations it could offer.”⁸ Lecky, from whom this quotation is taken, limits his remarks to the Catholic Church, but he might have added that nearly all the large sects of Christians, including Greeks, Calvinists, Lutherans, and Anglicans, accept the same ideas.

SEC. 523. *Mendicancy*.—In the synoptical gospels Jesus is represented as the teacher of a system of ascetic morality similar to that of the Buddhist monks, but, unlike the strict code of Siddhartha, it is addressed not to a small class of mendicant celibates but to the whole world. It is imposed upon all believers equally; there is no exception for age, sex, or condition of life. It occupies nearly all the space given to the teaching of morals in the sayings attributed to Jesus. He says: “Blessed be ye poor, for yours is the kingdom of heaven.” “It is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God.” “Woe

unto you that are rich, for ye have received your consolation." "Whosoever he be that forsaketh not all that he hath, he cannot be my disciple." "Blessed be ye that hunger now, for ye shall be filled." "If any man will sue thee at law and take away thy coat, let him have thy cloak also. And whoever shall compel thee to go a mile, go with him twain." "Give to him that asketh, and from him that would borrow of thee turn not thou away." "Lay not up for yourselves treasures upon earth, where moth and rust doth corrupt, and where thieves break through and steal; but lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through and steal; for where your treasure is, there will your heart be also. . . . No man can serve two masters; for either he will hate the one and love the other, or else he will hold to the one and despise the other. Ye cannot serve God and mammon. Therefore I say unto you, Take no thought for your life, what ye shall eat, or what ye shall drink; nor yet for your body, what ye shall put on. Is not the life more than meat and the body than raiment. . . . Therefore take no thought, saying, What shall we eat? or, What shall we drink? or, Wherewithal shall we be clothed? For after all these things do the Gentiles seek. For your heavenly Father knoweth that ye have need of all these things. But seek ye first the kingdom of God and his righteousness, and all these things shall be added unto you. Take therefore no thought for the morrow; for the morrow shall take thought for the things of itself." ¹

"There came one running and kneeled to him and asked him, 'Good Master, what shall I do that I may inherit eternal life?' And Jesus said . . . 'Thou knowest the commandments?' . . . And he answered and

said unto him, 'Master, all these have I observed from my youth.' And Jesus, beholding him, loved him, and said unto him, 'One thing thou lackest; go thy way, sell whatsoever thou hast, and give to the poor, and thou shalt have treasure in heaven.'"²

"There was a certain rich man which was clothed in purple and fine linen, and fared sumptuously every day. And there was a certain beggar named Lazarus, which was laid at his gate, full of sores, and desiring to be fed with the crumbs which fell from the rich man's table. Moreover the dogs came and licked his sores. And it came to pass that the beggar died, and was carried by the angels into Abraham's bosom; the rich man also died and was buried. And in Hell, he lifted up his eyes, being in torments, and seeth Abraham afar off, and Lazarus in his bosom. And he cried, and said, 'Father Abraham, have mercy on me, and send Lazarus, that he may dip the tip of his finger in water and cool my tongue; for I am tormented in this flame.' But Abraham said, 'Son, remember that thou in thy lifetime receivedst thy good things, and likewise Lazarus evil things; but now he is comforted, and thou art tormented.'"³

Many preachers have asserted that Dives was damned because he gained and used his money dishonestly; but the evangelist plainly conveys the ideas that the only sins of Dives were the continued possession of wealth and the enjoyment of earthly prosperity; and that the only elements in the righteousness of Lazarus were his poverty and suffering. The parable was given for its moral instruction, and contains or should contain all the information needed to give clearness and value to the lesson.

Massillon, the famous Jesuit preacher, argued that the

parable should be understood as it is told, without attributing to Dives any imaginary sins. He thought that Dives was a highly respectable citizen, a kind father, a good neighbor, a man of regular habits, who lived as public opinion demands that a person possessing great wealth should live, who made his house a center of liberal and elegant hospitality, and who was so careful in his conduct that the strict moralists found nothing in it to condemn. But it was the conduct of a heathen; it was marked by virtue without righteousness; it did not comply with the requirements of ascetic or Christian self-abnegation and was therefore punished with eternal misery.⁴

SEC. 524. *Celibacy*.—In regard to matrimony Jesus said: "They which shall be accounted worthy to obtain that world and the resurrection of the dead neither marry nor are given in marriage." "Whosoever looketh on a woman to lust after her has committed adultery with her already in his heart. And if thy right eye offend thee, pluck it out." "There be eunuchs which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it." "It is better for thee to enter life maimed, than, having two hands, to go into hell, into the fire that never shall be quenched; where the worm dieth not."¹ These passages are unmistakable in their meaning and are not favorable to matrimony.

The highest saints in the heaven of Jesus are celibate men, as we are told in the following passage of Revelations: "A lamb stood on the Mount Sion, and with him a hundred and forty and four thousand, wearing his Father's name written in their foreheads. . . . These are they which were not defiled with women; for they

are virgins. These are they which follow the Lamb whithersoever he goeth. These were redeemed from among men, being the first fruits unto God and to the Lamb."

The plain meaning of these passages is that celibacy is important if not indispensable to the righteousness of Jesus. The first quotation in this section means that they who are worthy of salvation do not marry in this life; and it is in complete harmony with the subsequent quotations from the language of Jesus, and with many in the epistles of Paul, who said, "It is good for them [the unmarried] if they abide [remain] even as I [in celibacy]. . . . He that is married careth for the things that are of the world. . . . The unmarried . . . careth for the things of the Lord."³ Jesus himself never married, and, according to the tradition of the Roman Catholic Church, Peter put away his wife. That church imposes celibacy on its clergy, and ascribes a higher condition of righteousness to its priests and to the members of its celibate orders, than to the married laity. Jerome, who is a very high authority among the Roman Catholics, says that "matrimony fills the earth, but celibacy replenishes heaven."

SEC. 525. *Moral Theory*.—The Christian who wishes to act in accordance with the moral teachings of the gospels must renounce all the pleasures of the world. He must have no wealth, no luxury, no fine clothing, no elegant dwelling, no political authority, no wife, no anxiety save that for his eternal salvation. He should become a hermit or monk; he should govern himself always by the rules of poverty, chastity, and submission. He should remember the command, "Resist not evil." He must stay away from the theater, from the dance,

and from the concert, and must even abstain from all jovial company. Jesus says to him, "Let your communication [conversation] be yea, yea, nay, nay; for whatsoever is more than these, cometh of evil," and again he says, "Every idle word that men speak they shall give account thereof in the day of judgment."¹

These commands are explicit and are not abrogated or qualified by other passages not here quoted. If they were ever authoritative for anybody, they are now in full force for everybody. They have been interpreted literally and made a rule of life by millions of Christian monks; and that they were meant to be taken literally is proved by the fact that similar rules had been adopted for centuries before the time of the evangelists by the Essene and Buddhist ascetics.

The only ethical maxims not ascetic in their tenor attributed in the New Testament to Jesus are the golden rule and the injunction to observe the Mosaic decalogue; and these do not contradict, abrogate, or modify the specific commands of celibacy, poverty, submission to all forms of oppression, and abstinence from jovial conversation and from social pleasure of every kind.

The average Christian of our time says these ascetic maxims are not addressed to him. He must say something of this kind to excuse the discord between his conduct and the gospel precepts which he pretends to make the rule of his life. He loves the world. He respects humanity. He believes in progress. He is proud of his freedom. He protects his rights at the risk of his heart's blood. He delights in the pleasures of love, of wealth, of intellectual companionship, of the fine arts, and of many forms of luxury. He wants an excellent table, elegant clothing, a commodious dwelling, good books,

dramas, musical entertainments, and social gatherings of many kinds. He will not give up all his worldly possessions and go out with a single garment, preaching the gospel. Between the position of Dives and that of Lazarus, he prefers the former with all its certainties in this world and its chances in the next.

Christians generally, as their habits prove, put a very liberal interpretation on the ascetic maxims of Jesus. They understand them to mean, first, Do not mutilate yourself; second, marry; third, accumulate property; fourth, do not sell it and divide the price among the poor; fifth, live in luxury if you can; sixth, when a man smites you on one cheek, knock him down; seventh, if a man steal your coat, send him to jail; eighth, resist evil; ninth, avoid people who do not laugh and who limit their conversation to yea, yea, and nay, nay; and tenth, enjoy yourself, love this life, do not worry about another, and deal justly here.

To persons not familiar with orthodox Christian literature, this method of interpretation may seem disrespectful to Webster's Dictionary, but it is in accordance with the long established and general custom of commentators in high repute. The ethical works of Roman Catholic and of Protestant theologians, including such men as Paley and Liguori, will be found to agree substantially with the interpretation in the preceding paragraph.

There is no asceticism in Paul, but he instructs his converts to submit to those clothed with authority. He does not want his doctrine to become a source or excuse for disorder. He says, "The powers that be are ordained of God." Again he says, "Servants, obey in all things your masters." In reference to the sexes he writes: "The

head of every man is Christ, and the head of the woman is the man. . . . For the man is not of the woman, but the woman of the man. Neither was the man created for the woman, but the woman for the man.”²

In the New as in the Old Testament, the idea is held out that the highest authority in morals is not human conscience but Jehovah's instruction. To “fear God and keep his commandments” was declared to be “the whole duty of man” for the Jew; and for the Christian it was to keep the Ten Commandments, give up all property to the poor, and follow Jesus.³ According to the leading advocates of the Biblical theory of ethics, the recognition of the superior moral authority of the human conscience would be an insult to revelation. The Roman Catholic, following the doctrine of papal infallibility to its logical results, recognizes his obligation to obey all the ethical decisions of the Pope addressed officially to the whole church.

The Utilitarians, who are the successors of the Epicureans, and who, since the disappearance of the Stoics, divide the civilized world with the adherents of the Biblical theory, claim that morality is a natural product of the human mind; that it germinates in an innate ethical faculty; that plain traces of it are found in the maternal and social affections of brutes; that it appears prominently in the strong mutual obligations of the lowest savages towards one another; and that, guided by reason and experience, and aided by a higher culture, it has advanced beyond the teachings of Jesus to the positive recognition of the rights and duty of political equality, religious freedom, popular education, free inquiry, self-respect, enjoyment of wealth, and resistance to evil. It is an undeniable and for the Biblical theory an

unfortunate fact that the most eminent Christian priests have been advocates of slavery, despotism, religious persecution, aggressive war, witch burning, censorship of the press, and the accumulation of immense wealth in ecclesiastical institutions.

SEC. 526. *No New Religion.*—The main doctrines of Jesus in regard to his divine commission, attributed to him by the evangelists, are that he was the Messiah of Jewish prophecy; that his authority as Messiah was proved by his miraculous powers; that he could transfer and that he did transfer such powers to cure the sick, to cast out devils, and to revive the dead to all who then had, or should in the future have, faith in him; and that in the future life he was to be the judge of mankind. These ideas furnish no sufficient basis for a new religion.

If he had intended to establish Christianity as it has been conceived since 300 A. D. by the majority of Christians, he would have done many things which he did not do. He would have prescribed the main points of the creed and the main rules of the discipline in clear terms. He would have said explicitly that he was the Savior of mankind. He would have explained the relation of Adam's sin to the future life, and would have added that he was the bearer of a new covenant under which all who believed and entered into his church by baptism would be relieved from the penalty of that original sin. He would have announced that the ceremonial law of Moses was absolutely repealed; that worship by sacrifice was abolished; and that all the sacred days of the Pentateuch were to give way to new holidays. He would have selected some apostles among the Gentiles, so that all should understand that he was the founder of a universal religion, which offered salvation on

equal terms to all nations. He would have used all the key words and phrases of Christianity, and he would have defined incarnation, trinity, redemption, sacrament, bishop, priest, church, apostle, apostolical succession, ordination, and saving faith, so that there would have been no opportunity for the disputes which have divided Christians in reference to the meanings of these terms. He would have ordained priests, with instructions to transmit their authority to a continuous line of successors, protected by unquestionable sacerdotal credentials.

These points, which, as the history of Christianity shows, were indispensable to the development of the church; and which were done in later times amidst unexampled controversy and bloodshed; and which in the interests of harmony and truth, if the latter is at all concerned with Christianity, should have been explained clearly and finally at the start. Jesus did not explain them, did not understand their importance, and did not foresee the career of Christianity. In short, he had no purpose of founding a new religion. That he did not explicitly announce such a purpose, as he is reported in the gospels, is admitted; and some of the orthodox writers are greatly puzzled to explain his conduct. Milman, one of the ablest among them, thinks he concealed his project of a new religion, because if "avowed without disguise" it "would have revolted the popular mind and clashed too directly with the inveterate nationality"¹ of the Jews. According to this theory, the founder of a new religion possessing omnipotence and omniscience to aid him in converting his favorite people, concealed or veiled his truth from them, and not from them only, but from the evangelists who were to write his life, and from the apostles who were to preach his doctrines! Chris-

tians accept the main points of their creed and discipline from tradition, under the influence of which they find in the New Testament ideas that never occurred to its authors.

* Most of the sayings attributed, in the gospels, to Jesus give no support to the theory that he intended to found a new religion or to the other theory that he labored to purify Judaism. For neither project did he need to be the son of David or to have a Jewish apostle to sit on the throne of each of the twelve Israelitish tribes. Neither could be aided materially by such talk as that ascribed to him about the near approach of judgment day, about the duty of nonresistance, about the damnation of the Pharisees, and about the miracles and miraculous powers given to all believers.

SEC. 527. *The Messiah*.—In our examination of the sayings and doings attributed to Jesus by the evangelists, we have found conflicting statements which left us in doubt about the main purpose of his public ministry. He claimed to be the Messiah of Jewish popular expectation, and of Jewish prophecy. The Hebrew *mashiach*, which takes the form of *meshiha* in Aramaic, and messiah or messias in English, means “an anointed person,” or “anointed,” as does *christos* in Greek. From *christos*, we have the English Christ. *Mashiach*, *meshiha*, and *christos* all mean the anointed king or priest, consecrated by anointment to the service of Jehovah.

Let us now inquire what the Messiah of Jewish prophecy was. Section 318 of this book gives a brief account of the messianic predictions. They promised the restoration of the independent Jewish monarchy, the perpetual authority of the dynasty of David, the exaltation and security of Jerusalem, and the eternal observance of

the Mosaic law under the ministrations of the Aaronite priesthood. All these predictions were associated together in the Jewish Scriptures and in the popular expectation, and they were called messianic because the messiah was to be the chief agent in their fulfillment. He was to be the anointed king, the chief heir of David, by virtue of his seniority in the direct male line of descent.

The title *mashiach* is used thirty-nine times in the Hebrew Bible, and is invariably applied to a king or priest.

"He shall give strength unto His king and exalt the horn of His anointed [*mashiach*]." "I will raise me up a faithful priest . . . and he shall walk before mine anointed [*mashiach*] forever." "The Lord forbid that I should . . . stretch forth mine hand against him [Saul], seeing he is the anointed [*mashiach*] of the Lord." "And David said to Abishai, 'Destroy him [Saul] not; for who can stretch forth his hand against the Lord's anointed [*mashiach*] and be guiltless?'" "Shall not Shimei be put to death for this because he cursed [David] the Lord's anointed [*mashiach*]?" "He [Jehovah] is the tower of salvation for His king; and showeth mercy to His anointed [*mashiach*] unto David and to his seed forever more." "David, . . . the man who was raised up on high, the anointed [*mashiach*] of the God of Israel." "O Lord, turn not away the [Thy] face of [from] Thine anointed [*mashiach* Solomon]." "Great deliverance giveth He to His king and showeth mercy to His anointed [*mashiach*], to David and to his seed forever more." "Thou has been wroth with Thine anointed [*mashiach*]." "I will make the horn of David to bud; I have ordained a lamp for Mine anointed [*mashiach*]. His enemies will I clothe with shame; but upon himself shall his crown flourish."¹

These passages give an idea of the manner in which the word *mashiach* was used by the Jews; and in every case it had the same meaning. It meant the anointed servant of Jehovah; and in the Septuagint, the Greek version made in the IIIrd century B. C., it was invariably rendered by the Greek word *christos*. The English translators of the Jewish Bible were unwilling to apply the title messiah to Saul, David, Solomon, or any Levitical priest or temporal ruler, and they used the word anointed to represent *mashiach* except in several passages where they understood it to apply prophetically to Jesus; and there they translated it Messiah. By this treatment of the Hebrew word *mashiach*, English readers of the Bible have been systematically misled to suppose that the messiahship had no association with any temporal kingdom or office.

The monarch hopes that his dynasty will occupy the throne for a long period; and the prophet who seeks to please the monarch predicts permanence to the sovereign authority of his descendants. Such promises were common in Egypt and Assyria. They were made to David and Solomon. By the mouth of Nathan, Jehovah said to David, "Thine house and thy kingdom shall be established forever before thee, thy throne shall be established forever." On another occasion he said to David, "There shall not fail thee a man in my sight to sit on the throne of Israel." Referring to the time when the national independence of the Jews should be re-established, Isaiah predicted that "in that day there shall be a root of Jesse [father of David] which shall stand for an ensign of the people." Through Ezekiel, Jehovah said, "I will save My flock . . . And I will set up one shepherd over them, and he shall feed them, even My servant David."

In Jeremiah we find these words attributed to Jehovah. "I will raise unto David a righteous branch, and a king shall reign." "Behold the days come . . . that I will perform that good thing which I have promised unto the house of Israel and to the house of Judah. . . . David shall never want a man to sit upon the throne of the house of Israel."² The passages quoted from the books of Samuel, Kings, Ezekiel, and Jeremiah in the preceding paragraph are the leading messianic prophecies of the Old Testament. They are direct in their language and clear in their meaning, but they are not cited as messianic by orthodox writers because they do not sustain the orthodox theory that the Messiah promised in the Old Testament was to be a savior, a spiritual king, and a religious reformer.

SEC. 528. *Judaism Eternal*.—These prophecies of the perpetuity of the dynasty of David were accompanied by others that the Mosaic law, the Mosaic ceremonial, the exclusive covenant of Jehovah with the children of Israel, the exclusive worship of Jehovah at Jerusalem, the Jewish monarchy and the temple of Jehovah at Jerusalem, should be maintained forever. All these predictions are conceived in the same spirit; they are recorded in the same books; they are part of the same ecclesiastical system; and they were the basis of the messianic ideas current in ancient Judea.

Jehovah said to Nathan, "I will appoint a place for my people Israel, and will plant them, that they may dwell in a place of their own, and move no more; neither shall the children of wickedness afflict them any more, as beforetime."

To Solomon, Jehovah said, "I have hallowed this house [the temple] which thou hast built, to put My

name there forever; and Mine eyes and Mine heart shall be there perpetually." Through Jeremiah Jehovah said, "I will be the God of all the families of Israel and they shall be My people." And again, "I will gather them [the Jews] out of all countries whither I have driven them in Mine anger, . . . and I will bring them again unto this place [Jerusalem], and I will cause them to dwell safely; and they shall be My people and I will be their God."¹

By the mouth of Ezekiel Jehovah said to Jerusalem: "I will establish unto thee an everlasting covenant." "In Mine holy mountain . . . there shall all the house of Israel, all of them in the land, serve Me." "I will take you [the Jews] from among the heathen and gather you out of all countries and will bring you into your own land." "I will make them [the Jews and Israelites] one nation, in the land upon the mountains of Israel. . . . And they shall dwell in the land that I have given unto Jacob My servant, wherein your fathers have dwelt; and they shall dwell therein, even they and their children and their children's children forever; and My servant David shall be their prince forever. . . . I will be their God and they shall be My people. And the heathen shall know that I, the Lord, do sanctify Israel, when My sanctuary shall be in the midst of them forevermore." "I will dwell in the midst of the children of Israel forever." Amos tells us that Jehovah declared: "I will bring again the captivity of My people of Israel, and they shall build up the waste cities and inhabit them. . . . And I will plant them upon their land, and they shall no more be pulled up."²

Jehovah authorized Zechariah to publish this promise: "I will save My people. . . . And they shall dwell

in the midst of Jerusalem; and they shall be My people, and I will be their God." Isaiah tells us that "the Lord shall comfort Zion."³ Through Jeremiah the Jews received this message from Jehovah: "Fear not thou, O My servant Jacob, and be not dismayed, O Israel; for, behold, I will save thee from afar off, and thy seed from the land of their captivity; and Jacob shall return, and be in rest and at ease, and none shall make him afraid. Fear thou not, O Jacob My servant, saith the Lord; for I am with thee."⁴

Several passages in the Old Testament promise that the heathen shall worship at Jerusalem; but they are relatively few and they mean only that the heathen should submit themselves to the Mosaic customs. Thus Zechariah said, "Many people and strong nations shall come to seek the Lord of hosts in Jerusalem, and to pray before the Lord." "Everyone that is left of the nations which came against Jerusalem shall even go up from year to year to worship the King, the Lord of hosts, and to keep the feast of the tabernacles." And Isaiah declared: "Look upon Zion, the city of our solemnities. Thine eyes shall see a quiet habitation, a tabernacle that shall not be taken down; not one of the stakes thereof shall ever be removed, neither shall any of the cords thereof be broken." "And the sons of strangers shall build thy walls, and their kings shall minister unto thee. . . . For the nation and kingdom that will not preserve thee shall perish; yea, those nations shall be utterly wasted. . . . They shall call thee 'The city of the Lord, The Zion of the Holy One of Israel.' Whereas thou hast been forsaken and hated, so that no man went through thee, I will make thee an eternal excellency."⁵

The evangelists mention many predictions of minor events in the career of the Messiah, such as that he should be born in Bethlehem, that he should be taken to Egypt, that he should be a man of sorrows, that he should ride on an ass, that he should bear the sins of his people, that his garment should be divided among his persecutors, and so forth; but these so-called messianic predictions are puerile interpretations of passages which had no reference to the Messiah.

The Jews, while under the dominion of Rome, made a habit of reading the messianic predictions in their synagogues, and took delight in the anticipation of their fulfillment. Every generation hoped to see the coming of the Messiah, as warrior, conqueror, and king, worthy, by his success, to be considered the equal of his ancestor David, who was reputed to have been the most powerful monarch of his time. After Judea became a Roman province, it was evident that the Messiah could not succeed unless he were stronger than Rome. He would therefore carry his arms from the Euphrates to the Atlantic. He would rule over the known world. Popular inference gave to him universal dominion. Otherwise the messianic expectation of the Jews agreed with the messianic prophecies cited in the preceding section. The messiah who should re-establish the monarchy and its splendor was to be succeeded by other messiahs, his descendants in the direct male line, who should reign in Jerusalem until the end of the world.

There was no expectation that the messiah was to be a religious teacher, a redeemer from sin, an incarnate God, or the founder of a universal religion. He was to have no Levitical blood, no sacerdotal authority. He would have no more right to reform the religion of Judea than

a son of Aaron would have had to usurp the crown. There is no prophecy in the Old Testament that the law of Moses was temporary in its authority, crude in its conceptions, or susceptible of improvement or purification. On the contrary, the books of the law and the prophets explicitly declare in many passages that the ancient mode of worship should be maintained forever. Moses said, "These are the statutes and judgments which ye shall observe . . . all the days that ye live upon the earth." Elsewhere he added, "Ye shall not add unto the word which I command you, neither shall ye diminish aught from it." And again he said, "Cursed be he that confirmeth not all the words of this law to do them." In a hundred different verses of the Bible the ceremonial observances of the Mosaic system are declared to be essential parts of the everlasting covenant between Jehovah and Israel. Micah, one of the late prophets, promised that "all people will walk everyone in the name of his god, and we will walk in the name of the Lord [Jehovah] our God forever and ever." There was to be no community of faith with the alien; no church including all men; no religious fellowship with the heathen; no abandonment of the Jewish hatred of the Gentiles, whose riches they would eat, and upon whom their god would "execute vengeance in anger and fury."⁶

SEC. 529. *Jesus Christ.*—Jesus claimed to be the Messiah of Jewish prophecy. Peter said to him, "Thou art the Messiah;" and Jesus admitted that he was. When the Samaritan woman spoke to him of the Messiah, he replied to her, "I, that speak unto thee, am he." Before the high priest, to the question, "Art thou the Christ?" his response was, "I am." He claimed to be

king of the Jews. The third evangelist tells us that when the annunciation was made to Mary, the angel told her that Jehovah would give to her son "the throne of his father David." At the beginning of the public career of Jesus, Nathaniel said to him, "Thou art the king of Israel," and as this title was not directly repudiated, it was indirectly accepted. He said to his apostles that when he should sit "in the throne of his glory," "ye also shall sit upon twelve thrones judging the twelve tribes of Israel." When asked by Pilate, "Art thou the king of the Jews?" Jesus replied, "I am." The response as rendered in the authorized and revised English versions is, "Thou sayest," which, in our tongue, means nothing. The correct translation is given by Norton, and is implied in the remarks attributed to Jesus in the fourth gospel. In his first address to the disciples at Jerusalem, after the crucifixion, Peter said that God swore "with an oath to him [David] that of the fruit of his loins, according to the flesh, He would raise up Christ to sit on his throne." Jesus spoke of the prophecies that the Messiah should be a descendant of David, and should be born in the town of Bethlehem, David's town; and he repeatedly referred to the scriptural prophecies relating to himself, meaning that they indicated his messianic character; though the evangelists, when mentioning these references, do not say what was to be proved by them.¹

In his epistles Paul habitually attaches the title Christ to the proper name Jesus, calling him either Jesus Christ, or Christ Jesus. In his address at Pentecost Peter, according to Acts, spoke of him as Christ. The New Testament is pervaded throughout with the idea that Jesus was the Messiah of Jewish prophecy, and that his messianic character carried with it a right to speak with

authority. The proper name Jesus was of relatively little note; Paul and his converts claimed to be followers of Christ and were therefore called Christians.

Although Jesus claimed to be the Messiah and although this claim is put forward very prominently in the New Testament, yet we find that, according to the evangelists, he never made this claim publicly until after his arrest, and when questioned about it in public, either refused to reply or gave an evasive answer. Neither in his sermon on the mount, with which he opened his ministry, nor in his charge to his disciples when he instructed them to preach his gospel, nor in his final address to the multitude at the temple, did he make the least reference to his claim of the messiahship; and these are the most significant doctrinal addresses attributed to him.

After the return of the apostles from their preaching expedition, how long after is not explained, when Jesus was in the vicinity of Cæsarea Philippi, he addressed to his disciples the question, "Whom say ye that I am?" And Simon Peter answered and said, 'Thou art Christ' . . . And Jesus answered, . . . 'Blessed art thou Simon Barjona, for flesh and blood hath not revealed it unto thee, but my Father which is in heaven.' . . . Then charged he his disciples that they should tell no man that he was Jesus, the Christ."² Thus, according to the first evangelist, when his apostles discovered his messiahship, he requested them to keep it secret; but, according to the second and third gospels, he never claimed it in conversation with them.

Early in the public career of Jesus, some Jewish zealots wanted to "take him by force to make him a king;" but he escaped from them and hid in the mountains. We may presume that they had heard that he claimed to be the

Messiah, and they wanted him to raise the standard of insurrection against Rome without delay. Not long after this incident "Jesus walked in the temple in Solomon's porch. Then came the Jews round about him and said unto him, 'How long dost thou make us to doubt? If thou be the Christ tell us plainly.' Jesus answered them, 'I told you, and ye believed me not; the works that I do in my Father's name, they bear witness of me.'"³ He gave them no other satisfaction. He would neither admit nor deny that he was the Jewish Messiah. He did not use the opportunity to explain that he was a religious teacher, not a military leader. He is represented as assuming that they had heard him and had seen his miracles; though the gospel makes no mention of any miracles previously wrought by him in Jerusalem or of any of his speeches heard by these same men. His refusal to give an explicit reply to the question whether he was the Messiah is not comprehensible on the theory that his purpose was to found a new religion.

While Jesus was so reticent about his claim to the messiahship, the Jews suspected it and made it a subject of discussion. One of them said, "Do the rulers know indeed that this is the very Christ? Howbeit we know this man, whence he is; but when Christ cometh no man knoweth whence he is.' . . . [Another said] 'When Christ cometh will he do more miracles than these which this man hath done?' . . . Others said, 'This is Christ.' But some said, 'Shall Christ come out of Galilee?' . . . So there was a division among the people because of him."⁴ And while the Jews were so anxious to know whether Jesus claimed to be their Messiah, he never once came out publicly and said, "I am the Messiah;" or, "I am not the Messiah whom you expect."

We are told that, several times, soon after Jesus began his ministry, some Jews sought to kill him, but no clear explanation is given of the motives of their hostility. We must presume that they wished to protect themselves against the sufferings that would result from a rebellion. Expressions of the fear of such evils are found in a number of passages in the gospels. When Jesus, after his arrest, was taken into the presence of Pilate, a rabble followed, and one of them said, "We found this fellow perverting the nation and forbidding to give tribute to Cæsar, saying that he himself is Christ a king."⁵ When Jesus made his final entrance into Jerusalem, he made no protest against the treasonable outcries: "Blessed is the king of Israel." "Blessed be the kingdom of our father David." If the Romans had heard such speeches, they would have dispatched the speakers on the spot.

SEC. 530. *Jewish Council*.—In all the provinces, the yoke of Rome was oppressive. The taxes were heavy and the method of collection offensive. Of the subject nations in the empire, none was so discontented and so frequently brought into hostile relations with their rulers as the Jewish people. The Jews had no large city like Alexandria, Antioch, or Syracuse, the commercial interests of which were a security for peace. Judea was a mountainous country with an adjacent desert, well suited for defense and for refuge after defeat. The Jews were made hostile to Rome by their religion; and their belief in a messiah who was to restore their national independence and sacred monarchy filled many of their young men with a readiness to follow any leader who claimed to be the heir of David. If only a small proportion of the population scattered throughout Judea should engage in a revolt, they could drag in their rela-

tives, friends, and neighbors in such a manner that all Jews in the country must fight either for or against Rome. It was, therefore, necessary that the prudent men should do their utmost to prevent a rebellion from getting a start.

With such motives for vigilance, the priests, Pharisees, and scribes watched Jesus suspiciously to find something in his words or actions that might serve as evidence of a treasonable purpose. They sent agents to inquire whether the Jews ought to pay tribute to Cæsar. If he said "no," he would expose his plan; if he said "yes," he would offend some of the zealots among his followers. In the gospel of John we are told that more than a year before the crucifixion, the chief priests and the Pharisees held a council in Jerusalem and said: "'What do we? For this man [Jesus] doeth many miracles. If we let him thus alone, all men will believe on him; and the Romans shall come and take away both our place and nation.' And one of them, named Caiaphas, being the high priest that same year, said unto them, 'Ye know nothing at all, nor consider that it is expedient for us that one man should die for the people, and that the whole nation perish not.' . . . Then from that day forth they took counsel together for to put him to death. Jesus, therefore, walked no more openly among the Jews but went thence unto a country near to the wilderness, into a city called Ephraim, and there continued with his disciples. And the Jews' Passover was nigh at hand."¹

The story of this council is evidently fictitious. If the evangelist had a precise record of the words spoken at a council of priests and Pharisees before the crucifixion, he should have shown that he knew in what year that interesting event occurred. He conveys the idea that

the Pharisees in Jerusalem were much agitated by the influence of the miracles of Jesus, whereas the New Testament leads us to believe that he never performed a miracle in Jerusalem; that in the Galilean cities where he performed most of his miracles he made few converts; that at the end of his career he had only one hundred and twenty converts in Jerusalem; and these all Jews.

Besides, the evangelist furnishes no basis for his assumption that the Romans would destroy their "nation" if the Jews allowed Jesus to go on working miracles and making converts. He does not show that the Romans then or at any time in that generation took the least interest in the reported miracles, the conversions, or the religious ideas attributed to Jesus. When he was on trial, Pilate made no inquiry about these points.

A very significant result in the report of this council is that immediately after it Jesus walked no more openly among the Jews; that is, during the last year of his life he remained in concealment. This statement in the gospel of John is not contradicted elsewhere. The Pass-over here mentioned occurred one year before the crucifixion.

SEC. 531. *The Trial*.—The four evangelists agree that Jesus was executed under a sentence of death, pronounced, in accordance with the forms of Roman law, by Pontius Pilate, Roman governor of Judea. They also agree that the first question addressed to Jesus by Pilate in reference to the alleged crime was, "Art thou the King of the Jews?" According to Matthew the reply was, "Thou sayest." According to Mark and Luke, "Thou sayest it." According to John he said: "Thou sayest that I am a king. To this end was I born, and for this cause came I into the world."

The gospel of John tells us that after the examination Pilate said, "I find no fault in this man," and wanted to release him, but the Jews cried out: "If thou let this man go, thou art not Cæsar's friend. Whoever maketh himself a king speaketh against Cæsar." The chief priests protested also, "We have no king but Cæsar." We may be confident that Pilate never wanted to spare a man who claimed to be king of Israel, and that he knew as well how to protect the interests of Rome as did the Jewish rabble and priests.

When the Romans crucified a criminal, they posted up his crime on the cross; and, in accordance with that custom, they affixed to the cross of Jesus the words, "The King of the Jews." If the claim of that title had not been a capital crime, Pilate would not have dared to announce it publicly. The Romans were strict observers of the forms of law, and there was a considerable Roman garrison in Jerusalem with high officers familiar with the main principles of the law.

The soldiers understood the charge and taunted Jesus with his treason and his failure in it. "Hail, king of the Jews!" The Jewish rabble added their taunts, "Let Christ, the king of the Jews, descend from the cross."

The question of Pilate, the condemnation, the protests of the Jewish people and priests against release of the prisoner, the inscription on the cross, the taunts of the soldiers and rabble addressed to the man suffering the agonies of the crucifixion,—all these indicate that the only charge against Jesus was treason. And that the charge was believed to be true by the friends of Jesus is proved by the lament of the disappointed zealot after the crucifixion, "We trusted that it had been he who should have redeemed Israel;" and also by the query addressed to

him after the resurrection, by one of his apostles, "whether he would at this time restore the kingdom of God?"¹

Jesus was arrested with the aid of a traitor as if he was known to few and had been concealed. Otherwise the treachery and the payment for it would have been without reasonable motive. The betrayal implies secrecy and conspiracy; and these harmonize with the statements that Jesus preserved silence and enjoined upon others silence about his messiahship.

SEC. 532. *A Rebel*.—In section 526 we found that most of the speeches and actions attributed in the gospels to Jesus are inconsistent with the theory that he intended to establish a new religion, and also with the hypothesis that the main purpose of his public labors was to reform Judaism. The only other theory that seems to deserve serious consideration is that he plotted a rebellion against Rome. With the help of this last supposition, which, as we have seen, is corroborated by a large array of testimony, we can understand many things that without its aid would be incomprehensible. Many of the measures which would have been taken by Jesus, if he had possessed superhuman wisdom and power and had intended to establish Christianity as it now exists, he did not take; whereas, he took many of the measures which the plotter of a revolt against Rome, arrested near the beginning of his career, would have taken.

If an intelligent Jew, about the beginning of the Christian era, had aspired to re-establish the Jewish monarchy and to place himself on its throne, he would have claimed to be the heir of David, the Messiah of Biblical prophecy and of Jewish expectation. He would have concealed his claim from the multitude until he was ready to take up arms. He would have explained it confidentially to some

few persons whom he considered trustworthy. If questioned publicly whether he was the Messiah, he would have replied evasively or refused to reply. He would have traveled about the country to become acquainted with its military resources, with the feelings of the people, and with men who might become his chief subordinates. He would have spent most of his time in the rural districts, away from the Romans and those Jews who were most friendly to the Roman dominion. He would have avoided Jerusalem, which had a large Roman garrison and strong fortifications. He would have selected none save Jews for his associates. He would have strictly observed the ceremonial law of Moses. He would have been an attendant at the temple and the synagogue.

He would have found the organization of a rebellion against Rome a very arduous enterprise. He would have encountered Jews who could see nothing but disaster for themselves and their people in such a project and who would do all they could to render it abortive. He would have met ignorant zealots, ready to resort to arms at once without any of the organization that would be necessary to make an outbreak formidable. From both of these classes he would have had to protect himself. After suspicion got abroad that he was engaged in making arrangements for a revolt, he would have had to conceal himself from those who wanted him to declare himself king without delay, and also from those who wished to arrest him as a disturber of the public peace. All these experiences, which would have occurred to the Jewish projector of a revolt against Rome in the time of Jesus, occurred to him.

A rebel against Rome, claiming to be the Messiah, would not have argued that the popular expectation of a

political and military leader was without foundation in the scriptural prophecies. He would not have undertaken to convince them that the true mission of the Messiah was to wash out the sin of Adam, to abrogate the ceremonial law of Moses, to abolish the priesthood of Aaron, to establish a system of worship without sacrifice, and to found a new religion called Christianity. And these are things Jesus did not do. On the other hand, if the main purpose of Jesus was to organize a revolt against Rome, why, after his execution, did his followers treat him as an object of worship? How did they succeed in making his name the nucleus of the greatest of all churches? Why did Paul never allude to the fact that Jesus was guilty of treason? Why did Paul speak of him as a purely spiritual Messiah? If Jesus was engaged in plotting rebellion, how could he have composed the parables? And if he did not compose them, whence could they have come?

It is easier to ask than to answer these questions satisfactorily, as it is easier to wonder at, than to comprehend, the mental processes of many other minds. There is much in the gospels that cannot be made to harmonize with any theory of the purpose of Jesus; much that was collected from false legends, by men who had little accurate information about Jesus. The problem here is not to find a hypothesis that avoids every difficulty, for that is impossible; but to find one that has the preponderance of probabilities in its favor. That one is found in the theory that Jesus undertook to organize a revolt against Rome and was executed as a rebel.

SEC. 533. *Life of Jesus*.—Not until the genuineness of the gospels and the main purpose of Jesus in his public ministry have been subjected to critical investigation, is

the student prepared to avoid serious errors in his conceptions of the origin of Christianity. As we have seen, the evangelists were not the companions of Jesus, and did not derive correct accounts of him at second hand. We do not know who they were or when or where they wrote. We do know that no one of them wrote a clear and coherent account of his movements and ideas, and that no one of them had a distinct conception of Christianity as we now understand it. They asserted much that is false; they omitted much that is true. They did not supply us with materials from which a satisfactory biography of Jesus can be compiled, nor can such materials be found elsewhere. The only trustworthy Christian author who lived in the first century of our era and whose writings are now in our possession, was Paul; and he does not undertake to tell the story of the life of Jesus, to give a comprehensive statement of his doctrines, or to quote any of his significant speeches. No contemporaneous monument, no contemporaneous heathen author, gives us any light.

So far as we can learn from the New Testament, Jesus had no educated associates, no familiarity with any foreign literature or language, no acquaintance with the important achievements of Greek science and philosophy. According to the gospel of Luke, he read once in public. It was in the synagogue of Nazareth, the city of his residence, among the neighbors who had known him from childhood. He had been absent at Capernaum, where, according to report, he had wrought wonderful miracles. He read from the Scriptures and made some remarks, saying that if the persons present expected any miracles from him, they would be disappointed, for he knew that "no prophet is accepted in his own country," "and all

they in the synagogue, when they heard these things, were filled with wrath, and rose up and thrust him out of the city."¹

He began his public ministry about 30 A. D., seventy miles north of Jerusalem, in Galilee, from the natives of which district he selected his twelve apostles. All were poor and ignorant men, without influential friends, proved talent for administration, or experience in prominent public business. There is no explicit statement that any one of them could write or speak Greek, or understand the speech in which the Mosaic law was written. Peter and John, leading men among them, were fishermen, and unlearned. Matthew belonged to the disreputable class of tax gatherers.

Having neither property nor productive occupation, Jesus and his apostles obtained their living by mendicancy. They had no congregation of disciples to support them. When hungry they went into a house, either of an acquaintance or stranger, and, directly or indirectly, solicited food. Their clothing consisted of nothing save a mantle or blanket and a pair of sandals.

If Jesus had possessed a clear conception of Christianity as it now exists, and if he had foreseen distinctly the sects, the controversies, the persecutions, and the wars, of which it has been the source, he would have defined its doctrines and discipline with care. He would have shown that he foresaw the work that was to be done in his name. He would have written his sacred book, or would have provided for its writing and authentication. He would have prepared a summary statement of his creed. He would have ordained priests, defined their jurisdiction, and provided for the transmission of their offices to a line of successors. If he had wanted bishops

to rule over priests, and a pope to rule over bishops, he would have said so. He would have defined baptism, ordination, sacrament, redemption, transubstantiation, purgatory, and immaculate conception, if he had wished his followers to accept them. He would have said something about the worship of images, the adoration of saints, and the persecution of heretics. He would have taken care that Paul and Peter, Arius and Athanasius, Huss and Wycliffe, Luther and Calvin, Rome and Geneva, Russia and England, should not disagree about the meaning of the words and phrases attributed to him.

Of all religions Christianity has developed most slowly, has branched out into the most numerous sects and divergent creeds, has produced the largest controversial literature, has caused the greatest amount of systematic sacerdotal misrepresentation and forgery, and has provoked the most malignant persecutions and the most destructive ecclesiastical wars. The warfare which its priests have made continuously on science for the last three hundred years is one of the most discreditable features in its history.

SEC. 534. *Peter's Address*.—Soon after the crucifixion, the eleven apostles made their permanent residence in Jerusalem under an explicit command from Jesus that they should not depart until after the fulfillment of the promise of the restoration of the kingdom of God.¹ This command was not accompanied by any explanation of how long they should have to wait, or any precise instruction of what they should do in the meantime.

Acts contains several speeches which purport to be reported literally, but all are presumably the productions of the historian. Not one of them is worthy of the occasion to which it is attributed. The addresses ascribed

to Peter are specially inappropriate. The meeting at Pentecost, about two months after the crucifixion, gave him an opportunity of explaining the main principles of the new faith to the Jews who had collected to hear him; and he was stimulated by the excitement of the disciples, among whom appeared "cloven tongues like as of fire, and it sat upon each of them; and they were all filled with the Holy Ghost, and began to speak with other tongues as the Spirit gave them utterance." Peter said: "Ye men of Judea and all ye that dwell at Jerusalem, be this known unto you and hearken to my words. For these [disciples who were speaking with tongues] are not drunken, seeing it is but the third hour of the day. But this is that which was spoken of by the prophet Joel: 'And it shall come to pass in the last days, saith God, I will pour out of My Spirit upon all flesh; and your sons and your daughters shall prophesy, and your young men shall see visions, and your old men shall dream dreams; and on My servants and on My hand-maidens I will pour out in those days of My Spirit; and they shall prophesy; and I will show wonders in heaven above and signs in the earth beneath; blood and fire and vapor of smoke; the sun shall be turned into darkness and the moon into blood, before that great and notable day of the Lord come; and it shall come to pass that whosoever shall call on the name of the Lord shall be saved.'

"Ye men of Israel, hear these words: Jesus of Nazareth, a man approved of God among you by miracles and wonders and signs, which God did by him in the midst of you, as ye yourselves also know; him, being delivered by the determinate counsel and foreknowledge of God, ye have taken and by wicked hands have crucified and

slain; whom God hath raised up, having loosed the pains of death; because it was not possible that he should be holden of it. For David speaketh concerning him: 'I foresaw the Lord always before my face; for He is on my right hand, that I should not be moved; therefore, did my heart rejoice, and my tongue was glad; moreover, also my flesh shall rest in hope; because thou wilt not leave my soul in hell, neither wilt Thou suffer Thine holy one to see corruption. Thou hast made known to me the ways of life; Thou shalt make me full of joy with Thy countenance.' Men and brethren, let me freely speak unto you of the patriarch David, that he is both dead and buried, and his sepulcher is with us unto this day. Therefore, being a prophet, and knowing that God had sworn with an oath to him that of the fruit of his loins, according to the flesh, He would raise up Christ to sit on his throne; he, seeing this before, spake of the resurrection of Christ, that his soul was not left in hell, neither did his flesh see corruption. This Jesus hath God raised up, whereof we are witnesses. Therefore, being by the right hand of God exalted, and having received of the Father the promise of the Holy Ghost, he hath shed forth this, which ye now see and hear. For David is not ascended into the heavens; but he saith himself, The Lord said unto My Lord, 'Sit thou on My right hand, until I make thy foes thy footstool.' Therefore, let all the house of Israel know assuredly that God hath made that same Jesus whom ye have crucified both Lord and Christ."²

This speech of Peter, which is here copied in full, gives no idea of Christianity, of the establishment of a new religion, of an atonement, of an incarnation, of salvation by faith, of the abrogation of the old law, of the relation of

the self-sacrifice of Jesus to the son of Adam, or of any other main point that an intelligent Jew might want to know from a Christian preacher when Christianity was preached for the first time in Jerusalem.

SEC. 535. *The Apostles*.—The history of the Christian church is brought down in Acts to about the year 62 A. D.; but after the first chapter, that book mentions none of the twelve apostles, save Peter, John, and James; and does not say that any apostle made converts among the Gentiles, that any apostle made his residence out of Jerusalem, or that any apostle taught that all Christians were freed from the ceremonial law of Moses. The author of Acts nowhere gives the title of apostle to Paul or mentions the fact that he assumed the title.

As the destruction of Jerusalem in the VIth century B. C. greatly facilitated the establishment and enforcement of the religion of Jehovah among the Jews, so the destruction of the same city in 70 A. D. greatly facilitated the growth of Christianity. If the Jewish capital had remained prosperous, the Christians, after the close of the apostolic period, would have been impelled to go to the successors of the twelve whom Jesus had chosen, for the books and traditions which the church should accept as its guides; and as those books and traditions were hostile to Paul, his influence would have suffered. But the destruction of the city, the dispersion and impoverishment of its people, left its Christians without power to resist the march of Pauline ideas; and by the time that Jerusalem had regained importance as a city, the Pauline character of Christianity had been fixed permanently. The Christians in Judea were divided into two classes, the Nazarenes and the Ebionites, neither in full accord with the Pauline or Catholic Christians. The Nazarenes said

the Jewish Christians, and the Ebionites said all Christians, must conform to the Mosiac ceremonial law. The first fifteen bishops of Jerusalem were all Ebionites, or Nazarenes. The descendants of those converted by Jesus were enemies of Paul.

In the first three gospels a clear distinction is made between the twelve apostles and the disciples generally; but the evangel of John confounds the two classes, as if the former had no official title. After reaching the middle of his first chapter, the author of Acts does not recognize any clear authority in the apostolic office. According to him, the apostles had no distinct organization, no president, no records, no separate meetings, no creed, no disciplinary rules. The place of Judas Iscariot was filled, not in a meeting of the apostles, not by vote, not by appointment, but by lot, in a meeting of one hundred and twenty disciples. Acts conveys the impression that all the twelve made their home in Jerusalem during the remainder of their lives. It mentions events that occurred as late as 60 A. D. without suggesting that any one of the apostles (it does not apply that title to Paul) had a residence or a regular sphere of apostolic labor outside of the capital of Judea. The apostles did not divide the world, or Palestine, or part of it, into separate apostolic districts; nor did they make a division of labor among themselves. They had no bureaus of doctrine, discipline, ecclesiastical education and charity, such as are found in modern churches. After the first chapter of Acts, no mention is made in the New Testament of Matthew, Andrew, Philip, Thomas, Bartholomew, James the son of Alpheus, Simon Zelotes, or Matthias. In a period of more than thirty years not one of them did anything considered worthy of notice. The name of Jude appears

once; that of James, son of Zebedee, twice; that of John, fourteen times; that of Peter, sixty-four times; and that of Paul, one hundred and sixty-two times; more than twice as often as those of all the twelve together. Except in the New Testament, we have no trustworthy information about the apostles. The traditions of the fathers, whether they relate to the apostles, the evangelists, or any other subject, do not deserve the least credence unless they are corroborated by other testimony.

The statement in Acts that the disciples in Jerusalem dwelt together and "had all things in common, and sold their possessions, and parted them to all men as every man had need"¹ agrees with the communistic sentiments of the same author in the gospel of Luke, but does not harmonize with the conduct of Christians in Jerusalem several years later, or elsewhere in subsequent centuries, and has no corroboration in the epistles of Paul.

We are told that the disciples worshiped "daily with one accord in the temple," and that the new church "had favor with all the people"² in Jerusalem; but how, upon the basis of adherence to the law, the apostles could make converts to a Christian church is incomprehensible. It seems probable that the disciples were an insignificant Jewish sect until Paul began to preach his gospel in the cities of the Gentiles. His assertion that the twelve apostles did not understand the main principles of the religion of their master was a bold proceeding, but it was crowned with success.

Soon after the time when Paul attained prominence, the twelve sank into relative insignificance. He tried in vain to obtain their approval for his gospel; they attempted to control him, and failed. Mutual denunciations followed. They sent messages to his churches that he falsified the

faith of Jesus; he retorted that they were the slaves of an abrogated law, and that they had no right to meddle with his converts.

Their influence was obstructed by their residence in Judea and their adherence to the Mosaic forms. Paul had great advantages over them in his superior education, his adoption of a universal and form-free religion, and his extensive missionary labors. He visited cities of Syria, Asia Minor, Greece, and Italy. He established churches in many of their leading cities, including Antioch, Ephesus, Philippi, Thessalonica, Corinth, and Rome. Nearly all the Christian churches outside of Judea fell under his influence, directly or indirectly. The Christianity which has played a part in the history of the world was the religion taught by him. All the Christian churches of medieval and modern times sprang from the seed which he planted.

Paul is the true hero of the New Testament. He is the founder of Christianity. He is the first man who saw that faith in Jesus might become the basis of a universal religion. He laid that basis. He preached a Christ unknown to the apostles in Jerusalem. From his churches all the doctrines and discipline, the converts and sacerdotal ordination of modern Christianity have descended. He is the only Christian of apostolic times whose writings have been preserved to us without falsification.

The body of doctrine which became the nucleus of the new religion had its origin in his preaching, and the men who carried it throughout all the provinces of the Roman empire, save Judea, were his converts and their followers. He taught a new gospel, he emancipated faith in Jesus from Moses, he explained the relation of the crucifixion to the sin of Adam, he gave a logical consistency to the

scheme of redemption, he took no notice of the ascetic doctrines prominent in the synoptical gospels, and he laid the foundation of a new ecclesiastical discipline.

The fundamental doctrines of Christianity original with it and distinctive of it are, first, the eternal future punishment of all who die in mortal sin inherited from Adam; second, the eternal future reward of all who are redeemed by faith in Jesus from that hereditary sin; and third, the exclusive authority of the visible church as the agent in redemption. Of these three doctrines not one is clearly laid down in the words attributed to Jesus by the evangelists, and all are either distinctly stated or plainly implied in the epistles of Paul.

The discipline of Christianity, one of its most meritorious and most original features, and one of the chief causes of its success, must be credited mainly to Paul. But for the abrogation of the Mosaic ceremonial law, it would have been impossible to build up a powerful system of ecclesiastical government in the new church. With the abrogation of that law, opportunity was made for the observance of Sunday and of such annual Christian festivals as Christmas and Easter. After the doctrine had taken shape, and the priesthood had been organized, rules were adopted for the admission of children and adults into the church, for requiring them to tell their sins periodically to the priest, and for giving the church control at weddings and funerals.

SEC. 536. *Post-Apostolic Period.*—In writing of the early Christian church it has been found convenient to make three periods between the crucifixion and 150 A. D. The Apostolic period, in which the epistles of Paul were written, extends from 35 till 70 A. D. The second of these periods, that of the Apostolic Fathers who were

taught by the apostles, reaches from 70 to 110 A. D.; and the third, that of the Post-Apostolic Fathers, closes with 150 A. D. We have no trustworthy account of any important event that occurred in the Christian church in the period of the Apostolic Fathers. Some epistles purporting to have been written then by Clement and Ignatius, most of them unquestionably forgeries, have been handed down to us; but so far as they are presumably genuine, they have little historical value.

The most noted Christian of the period of the Post-Apostolic Fathers is Justin Martyr. In two hundred passages of his Apology, he mentioned various books of the Old Testament; in a dozen passages he referred to the Memoirs of the Apostles without indicating clearly whether by that title he meant one book or several distinct books; and he made numerous quotations of the sayings of Jesus from those Memoirs; but these sayings, though similar to many in our gospels, are still not quoted with literal correctness from any one of them. Justin never mentioned Matthew, Mark, or Luke; he wrote of John, but only as the author of the Apocalypse; he never referred to the "four gospels;" and he did not mention any book of the New Testament as divine revelation, or suggest that the Christians of his time had any sacred writings except the Hebrew Scriptures. He cited the Memoirs of the Apostles as if they were uninspired; and he recognized the Acts of Peter and the Acts of Pilate as equal in authority to the Memoirs.

It was probably in this period that the four gospels were written. The three synoptical evangels were compiled from traditions and other materials, with considerable additions and variations. The ascetic speeches and the parables may have been copied from the Scriptures of

the Essenes. The expectation of the near approach of the end of the world had its source in the disordered imagination, which worries with the same idea in modern times. Such a prediction could not serve any purpose that Jesus had in view, and it is reasonable to suppose that he did not say anything on the subject. The speeches about the Mosaic ceremonial law include phrases current among its friends and others current among its enemies. The tradition of the time when Jesus was regarded as a man, the son of Joseph, is preserved. He was looked upon without awe by his relatives. On one occasion his friends expressed a doubt of his sanity, so far were they from any great reverence for him. He lamented his inability to convert his brethren and his neighbors of Nazareth and Galilee. He prayed to God, and when the title of "good master" was given to him, he disclaimed it, saying, "None is good save one, that is God." Alongside of this tradition is preserved the later myth that he had no human father, but was the incarnate divinity, whose superhuman character and mission had been announced to his mother by an angel, and made known to the "wise men from the East," who, guided by a star, took presents to him, and then "departed into their own country," leaving no trace in history save the mention in the gospel of Matthew. The evangel of Luke has a different myth, according to which the announcement of the birth of a Savior was made by an angel, not to intelligent men in Jerusalem or Athens, but to some "shepherds." All the wonders occurred to unnamed people, at unspecified dates and places, and, like the very existence of Jesus himself, were left without mention in any book written while he was alive. It is impossible to accept such a story without violating every

rule of legal evidence, of literary authentication, and of common experience.

In the period of the Post-Apostolic Fathers a number of false gospels—that is, evangels not admitted into the New Testament—made their appearance, or began to attract attention. Among these the most notable is the gospel of the Hebrews, which was used by the Jewish Christians, and was the only gospel of the Ebionites. Many authors suppose it was written by the apostle Matthew and that with some modifications, including the introductory chapters asserting the superhuman paternity of Jesus, it became the gospel of Matthew,¹ the first book of the New Testament.

The gospel of James (called also the Protoevangelion), the gospel of the Infancy, the Acts of Pilate, the Shepherd of Hermas, and the gospel of Marcion were extensively accepted among Christians as divine revelations. There is much reason to believe that the gospel of Marcion was used in the composition of the gospel of Luke, and the gospel of the Infancy in the composition of the gospels of Matthew and Luke. Other false gospels which had their origin in the IInd century are those of the Egyptians, of James, of Andrew, of Bartholomew, of Philip, of Matthias, of Judas Iscariot, of Hesychius, of Cerinthus, of Nicodemus, of Basilides, of the Syrians, of Eve, and of Perfection. Of apocryphal books called Acts, there were those of Pilate, of Peter, of Peter and Andrew, and of John. The book of Revelation was rivaled by prophetic books called the apocalypses of Paul, Peter, Bartholomew, and others.²

SEC. 537. *Primacy*.—It was in the period of the Post-Apostolic Fathers that questions about the nature of Jesus began to disturb the church. Of the great heretics Marcion was the first in time and among the most potent

in influence. For twenty years he was prominent as a missionary and author. He compiled a gospel, an account of the life and sayings of Jesus, and appended to it most of the epistles now ascribed to Paul. This was the first edition of the New Testament, that is, the first collection of Christian Scriptures accepted as revelation by Christian churches. Marcion did not accept any ancient Hebrew book as inspired. The Old Testament had no divine authority for him. He did not recognize Jehovah as a suitable name for God. He declared matter impure and asserted that Jesus had no material body and no share of human nature; that he was exclusively divine; that his visible form was a mere phantasm, an optical illusion; that as Jesus had no material body, so his body did not rise from the tomb; and that the material bodies of men do not accompany the soul in the resurrection.

With the disputes about the nature of Jesus arose the idea of the distinction between orthodoxy and heterodoxy, the former being in charge of the catholic or universal church, the seat of authority, possessing in its doctrine the standard of truth. The sacred books could not be appealed to, because there was no agreement about the sacredness of Christian books. But how could the universal church express itself? Not through the church at Jerusalem, because priests and people there were Nazarenes. Not through the church of Alexandria or Antioch, because the two were rivals and neither would accept the decision of the other. Besides, both were greatly agitated by many controversies. The only other prominent church was that of Rome, and this had many advantages, including those of greatly preponderant wealth and numbers, of central position in the empire, of

frequent opportunities to communicate with all the provinces, and of relative freedom from various angry contentions which had disturbed the Christian communities in Asia Minor and Egypt. The church of Antioch claimed a higher sacerdotal authority than that of Rome; it was established by Paul; it pretended to have been the residence of Peter at a later date, and thus to have inherited the highest jurisdiction. The opponents of Antioch felt confident that Rome must have still better credentials; that she must have been the final residence of Peter as well as of Paul; and whether it was in response to the feeling of the interest of the church or not, a tradition arose that Peter had been bishop of Rome for many years and was crucified there.

It was presumably after the rise of various heresies and after the idea had gained favor that the interests of Christianity would be advanced by allowing the bishop of Rome to act as umpire in deciding controversies between Alexandria, Antioch, and Carthage, that the four gospels took their present shape. In Matthew we are told that Jesus said, "Thou art Peter, and upon this rock I will build my church, and the gates of hell shall not prevail against it. And I will give unto thee the keys of the kingdom of heaven, and whatever thou shalt bind on earth shall be bound in heaven, and whatever thou shalt loose on earth shall be loosed in heaven."¹ This speech is evidently a fabrication of a generation later than that of Jesus. It was not referred to by either Peter or Paul in their controversy as reported in the New Testament; and if it had been known to them they must have made it the subject of remark.

At first sight this speech seems to establish a primacy which, however, becomes very suspicious after a little ex-

amination. No church, no doctrine sufficient to be made the basis of a new church, and no organized priesthood suitable for the government of a church, had been established previously by Jesus to serve as the basis for a sacerdotal primacy. Besides, this address to Peter was made to him alone; it was not a commission addressed to the church. It was a confidential communication. It purported to be the latter part of a conversation, the beginning of which is given in Mark's gospel, which, like that of Luke and John, knows nothing of any gift of the keys to Peter. The gospel of Matthew is not consistent with itself on this point, for in a later passage Jesus is represented as conferring the power to bind and loose on all the apostles equally. Yet this was the authority previously given to Peter exclusively. The other apostles had no idea that Peter was next in authority to Jesus; John and James supposed that by solicitation they might sit next to Jesus on his right hand and his left when he occupied his throne in the kingdom of God. Jesus denied their request, but said nothing of Peter's superiority over them in sacerdotal rank. On a later occasion he remarked that "One is your master, even Christ, and all ye are brethren;" implying that they then were and should ever remain equals. He also said, "Ye also shall sit upon twelve thrones, judging the twelve tribes of Israel;" as if there were no gradation of rank among them. Neither in the gospels nor in Acts does Peter claim or exercise any superior authority; and when, as the representative of the apostles in Jerusalem, he opposed Paul, the latter denied his right to exercise control in matters of discipline or to set forth the doctrines of Jesus in a manner that required the submission of Christians. When Paul said, "I am set for the de-

fense of the gospel," he declared himself the head of the church for all those congregations which he had organized. If "the truth of Christ is in me," as he said to the Corinthians, it was not in Peter in the same degree.²

The gospel of John has a passage in which Jesus says to Peter, "Feed my sheep," but like the remark about the keys in Matthew, this speech is private, and even if unquestionably genuine, was not published until thirty years or more after its date, and therefore was without authority as a commission. The disciples at Jerusalem knew of no supremacy in Peter, for they "contended with him," and accused him of being false to the principles of his religion. When a question of discipline arose among the Christians in Jerusalem, Peter did not decide it, but the decision was rendered by "the apostles and elders, with the whole church."³

SEC. 538. *The IIIrd Century.*—The oldest comprehensive summary of Christian belief is that known as "the Apostles' Creed," which, in its present shape, cannot be traced beyond 200 A. D. In the translation accepted by the Anglican church, it is here given: "I believe in God, the Father Almighty, Maker of heaven and earth, and in Jesus Christ His only Son our Lord, who was conceived by the Holy Ghost, born of the Virgin Mary; suffered under Pontius Pilate, was crucified, dead and buried; he descended into hell; the third day he arose from the dead; he ascended into heaven and sitteth on the right hand of God, the Father Almighty; from thence he shall come to judge the quick and the dead. I believe in the Holy Ghost; the holy Catholic Church; the Communion of Saints; the Forgiveness of Sins; the Resurrection of the body, and the life everlasting. Amen."

The Apostles' Creed recognizes, but does not define, the holy Catholic Church. It does not attach orthodoxy to any episcopate or city. It has no suggestion of a supremacy and primacy. By its silence it denies both. It does not designate any church as possessing superior apostolic succession, dignity, or authority. It does not mention the divine inspiration of the New Testament, the authority of tradition, or the relation of the sacrifice of Jesus to the sin of Adam.

The bishop, as a superior priest, ruling over a subordinate clergy, made his appearance in the IInd century, and obtained a secure position with well defined jurisdiction in the IIIrd. It was about 225 A. D. that buildings erected for purposes of Christian worship began to make their appearance; and with the church buildings came the adoption of elaborate ceremonies of worship. With or without change of name, the priests adopted all the pagan usages that would increase their influence and their revenues. They copied the holy water, the incense, the candles, the processions, the bows, the genuflexions, the turnings to the east and to the west, the festivals, the sacerdotal vestments, the minor divinities (called saints in the Christian vocabulary) with local and professional jurisdictions, the idols, and a hundred other forms until the pagan temple was outdone with its ceremonies to impress the imagination and the theater with its decorations to catch the eye.

The Christians increased in numbers, and soon began to attract attention. They refused to participate in the ceremonies of the state religion. They turned their backs to the statues of the deified emperors. They ridiculed the official auspices. They denounced the gods of Rome as devils. They boasted that they would soon be

numerous enough to prohibit and punish the worship of Jupiter. In the reign of Nero, some Christians were executed as incendiaries; and in most of the succeeding reigns for two centuries and a half, others suffered death under charges of sacrilege, some of them becoming victims of carnivorous beasts in the amphitheaters. The mobs of the large cities often shouted "the Christians to the lions." It is impossible to ascertain even approximately the number of Christian martyrs under the pagan emperors of Rome; but it was very small as compared with that of any equal period under the Christian monarchs between 350 and 1650 A. D., when persecution reached a fury which it never approached in earlier times. Origen said that before the reign of Decius, who ascended the throne in 249 A. D., the martyrs were few; and Decius, the worst of pagan persecutors, reigned only two years.

The growth of the church was rapid. In the middle of the IInd century there were Christians in all parts of the empire; near the close of the next century they were so numerous and were so well organized that they obtained toleration and imperial favor; and early in the IVth century their faith became the religion of the empire, though in the opinion of Gibbon, and there is no better authority, nineteen out of twenty of the subjects of Rome at that time were pagans or Jews.

SEC. 539. *Derivation*.—Most of the ideas attributed to Jesus, by the evangelists and by Christian authors of later times, were not original with him. The golden rule expresses felicitously an idea of Epicurus, and is similar in phraseology to maxims previously used by Confucius and Hillel. Congregational worship, with the reading of the Scriptures, comment on them, singing and

prayer, without sacrifice, were established in the synagogue. Baptism, as a symbol of admission into an ecclesiastical society, was used by the Essenes, by John the Baptist, and by many pagans of earlier centuries. A sacred communion, in which the worshiper ate bread representing the flesh of the god, was an ancient rite. The trinity and the incarnation were familiar ideas in Hindostan before the Babylonian captivity.

In the New Testament we read that the Pharisees accepted the dogmas of a future life, of the descent of the soul with the body into the grave, of a final resurrection of the two together, of a material hell and heaven, and of a day of judgment; and these dogmas were familiar in Persia and Egypt as well as in Judea. The ascetic doctrines, which made up nine-tenths of the sayings relating to morals, attributed to Jesus, are mere repetitions of the maxims of the Essenes, who had adopted them from the Buddhists. The Essenes were a Jewish sect, who, at the beginning of the Christian era, had communities in Judea and Egypt. In Judea they numbered about five thousand. Most of them were engaged in the cultivation of the soil, though some few followed handicrafts in the towns. Nearly all were members of communities, which owned their property in common. They toiled enough to live in a rude comfort, but did not permit the accumulation of individual wealth. They were divided into four classes, which were presumably the same as those of Buddhism,—laity, aspirants to the celibate life, women celibates, and men celibates. Matrimony was permitted to the laity, not to the other classes. They took their meals together in silence or with little conversation, and that little not jovial in its tone. They had a sacred book, the contents of which

they did not divulge to unbelievers. An applicant for admission into one of their communities was not accepted immediately, but was placed on probation for a year.

They attached great importance to morality, and pledged themselves to be truthful, honest, and kind. When finally admitted to the celibate class, the Essene partook of some water of purification. Josephus says of them: "They condemn the miseries of life, and are above pain by the generosity of their mind. And as for death, if it will be for their glory, they esteem it better than living always; and indeed our war with the Romans gave abundant evidences what great souls they had in their trials; wherein, although they were tortured and distorted, burnt and torn to pieces, and went through all kinds of instruments of torment, that they might be forced to blaspheme their legislator or to eat what was forbidden them, yet they could not be made to do either of them, no, nor once to flatter their tormentors, nor to shed a tear, but they smiled in their very pains and laughed those to scorn who inflicted the torments upon them, and resigned up their souls with great alacrity, as they expected to receive them again."¹ The Essenes believed in the immortality of the soul, with future reward and punishments. One class of the Essenes married and had children.

The resemblances between the ethical systems of Sidhartha and of the Essenes are too numerous and too striking to be accidental. Knowing that Judea and a portion of Hindostan were provinces of the Persian empire for two centuries, and for another century before the rise of the sect of Essenes, had much intercourse with one another by military and commercial expeditions, and that numerous Buddhist missionaries visited the shores of the Mediterranean, we must presume that Essen-

ism was a combination of the ethical system of Buddhism with the theology of Judaism. The ascetic rules attributed in the synoptic gospels to Jesus were not original with him, but were mere repetitions of, and variations from, the teachings of Siddhartha, who meant them literally and established them in actual practice among his bikshoos.

Such rules might do for some anchorites in Hindostan and Judea, but were not adapted to the wants of any large community, and were especially unsuitable for the Europeans, whose intellectual energy, industrial activity, political freedom, and martial spirit demanded protection for the rights of person and property. Asceticism forms no part of the common life of Christianity.

When Siddhartha died, the empire of Persia included not only Asia Minor, Judea, and Mesopotamia, but much of Hindostan. It brought Persians, Jews, Greeks, and Buddhists into intimate political relations for more than a century before the conquest of Alexander; and for centuries after his time those relations were equally intimate. Greek sovereigns, whose capitals were in Bactria and Afghanistan, ruled over considerable districts in the valley of the Indus, for several centuries. Menander, a Greek monarch, ruled over a thousand cities of Hindostan; and Buddhist tradition says he became a convert to Buddhism. One of the sacred books of that religion is a record of discussions in which he took part. About 290 B. C. Megasthenes, a learned Greek, who, as ambassador from Seleucus I., visited King Chandragupta, at Patna, in the valley of the Ganges, wrote a book called *Indica*. Dionysius, another learned Greek, was ambassador from Ptolemy II., of Egypt, to the son of Chandragupta. Seleucia, a city of 500,000 people under the

rule of a Greek aristocracy, maintained a large trade with India for more than two centuries. In the time of Augustus, the trade between the Mediterranean and Hindostan gave occupation to more than a hundred ships on the Indian Ocean. After the time of Alexander, a caravan of elephants to be used in war was sent nearly every year to Persia and Asia Minor from the valley of the Indus, and from that source came the elephants which Pyrrhus took with him to Italy in 281 B. C.

In the middle of the IIIrd century B. C., Asoka, who ruled over a large part of Hindostan, became a zealous Buddhist, and he sent missionaries to preach his faith in western Asia, Egypt, Cyrene, Macedonia, and Epirus. These missions and the intimacy of political and commercial relations between Hindostan and the Persian empire, the resemblances between Buddhism and Essenism, and the later origin of the latter, are sufficient to prove that it is a mere adaptation of Buddhistic ideas to the circumstances of Judea.

SEC. 540. *Causes of Success.*—The triumph of Christianity over the older faiths was due mainly to the superiority of its discipline. It was the first ecclesiastical organization to be a church, as we understand that word. Its congregational worship; its sacred ceremonies at baptisms, marriages, confirmations, confessions, absolutions, and burials; its teaching of the catechism; its systematic and comprehensive charities; its accumulation of wealth; its acquisition of all the important family secrets; its attraction for high oratorical and administrative talents; and the thoroughness of the discipline in which every member of the community was made subject to a supreme sacerdotal authority,—all these things contributed to a combination of influences to which no other ecclesiastical

organization of extensive dominion had ever made any approach. In the IIIrd century the Christian clergy had become the most thoroughly disciplined, the most influential, and the most remarkable priesthood the world had ever seen. They were men selected for plausible and fluent speech and administrative capacity. They were educated for their business. They were supported liberally. By the ceremonies of baptism, confirmation, marriage, confession, absolution, and burial, and by the supposed possession of the keys of heaven and hell, they had control over the secrets, the consciences, and the conduct of their followers.

Besides superiority over all other religions of the Roman empire in its discipline, Christianity was also superior to them in its doctrines. It was the only universal religion preached, or at least preached extensively; and the people were tired of national religions. Osiris, Baal, Moloch, Chemosh, Athena, Mars, and Zeus had been discredited. No national god was found to possess supreme power; no nation could prove that it had all the virtue and wisdom of the world. The ideas that there was only one God, who had no proper name, and that he looked with equal favor on all nations, had gained an extensive foothold before the time of Paul. Christianity was the first ecclesiastical organization that preached these doctrines distinctly and urged them forcibly upon the attention of all the people of the Roman empire. The educated classes were tired of worship by sacrifice, tired of a worship without didactic influence, tired of hereditary priests, and tired of disconnected temples dedicated to numerous gods. They were glad to find refuge from them in Christianity.

The dogmas of Christianity, with their explanation of

the relations between God and man, are more comprehensive than those of any other ecclesiastical system. They impress the common mind. They furnish an abundant stock of positive and plausible assertions, which the ordinary heathen could not disprove, and to which he could not reply effectively. They supply abundant material for the talk of the missionary who finds that fluency and confidence in himself are two of the chief elements of success.

In the pagan religions, the sacerdotal power was hampered by the hereditary transmission of office, by the ceremonial character of the worship, by the worldliness of the priesthood, and by the lack of hierarchical organization. Among the Christians, on the other hand, the ablest young men were selected for the church, they were trained as orators and social and political managers, they were brought under strict disciplinary supervision, and they were supplied with large revenues.

The evangelists tell us that Jesus appealed to prophecy and miracle as evidences of his divine commission. But this testimony, when examined, has more weight against than for his claim. Most of the so-called prophecies to which he and the apostles called attention are passages which had not the least messianic meaning; and in cases of unquestionable messianic prophecy said to be fulfilled in his person, as in regard to the blood of David and to birth at Bethlehem, we have reason to suspect that the only evidences of fulfillment are fictitious. The main purpose of Jesus in appealing to the prophecies must have been to convince the scribes, Pharisees, and lawyers among the Jews, and among these classes he failed completely.

The miracles are treated in the gospels as the chief

evidences that the Messiah had come. When Peter addressed the disciples at their first meeting after the final disappearance of their Master, he said that Jesus was "approved among you by miracles and wonders and signs, which God did by him in the midst of you." When the cities of Galilee were cursed for their unbelief, it was because they were indifferent to the "mighty works," the miraculous cures, done in their midst. When a blind man was brought to Jesus, the disciples, assuming that the blindness was the punishment for a sin, inquired whether the offense was committed by the blind man or by his parents. Jesus replied, "Neither hath this man sinned nor his parents, but that the works of God should be made manifest in him."¹ That is, he was deprived of sight so that Jesus should have an opportunity of proving his divine authority by working a miraculous cure.

The miraculous evidence did not prove very successful. The brothers of Jesus refused to believe in him. On one occasion his friends suggested that he was a lunatic. He was driven out of Nazareth, the city of his residence. He made few converts in Chorazin and Bethsaida, the chief cities of Galilee. He complained that "a prophet is not without honor but in his own country and among his own kin and in his own house."² The miracles reported in the gospels are extremely suspicious. Most of them are cures of bodily ailments in which disease and recovery might have been imaginary or simulated. The records of the miracles, instead of being written with full particulars by persons of high repute and published on the spot without delay in the common language of the country, lack all those essential requirements. The miracle worker believed that numerous diseases were caused by diabolic possession; and some of the most nota-

ble miracles attributed to him were performed in casting out devils. The belief in diabolic possession had been abandoned by physicians and philosophers of Greece more than three centuries before the Christian era; and its acceptance by Jesus implies that, instead of being divinely wise as he should have been to properly exercise supernatural power, he was behind the enlightenment of his age.

If a supernatural religion is one that is revealed in a complete and unchangeable form when first published, then of all religions Christianity is the least miraculous. No other was at first presented to the world in terms so vague. No other developed so many forms. No other appropriated its doctrines and discipline from such a variety of individuals, sects, and nations. No other continued to gain important accretions at intervals during twenty-five centuries,—for so long was the period from Hilkiah to Pius IX., both of whom contributed to the books accepted as authoritative by many Christians. No other diverged into such a multitude of highly discordant creeds. No other provoked so many cruel persecutions and destructive sectarian wars. Unlike Jesus, Siddhartha and Mohammed, his great rivals in the foundation of universal religions, not only announced their purposes of founding new faiths in unmistakable terms, but they organized their churches with a complete equipment of creed and discipline which have been maintained without material variation to the present time.

The gospels are so late in date, so uncertain in authorship, and so conflicting in their statements, that we know little with reasonable certainty about Jesus, except that he lived; that he was a Nazarene Jew; that he went about Palestine gathering Jewish followers, or disciples; that

they regarded him as the Messiah; and that in the reign of Tiberius he was tried, convicted, and crucified as a rebel. After his death his disciples maintained their organization, asserted that he had founded a new sect, and sought to gain converts. They required the observance of the Mosaic ceremonial law, which implied that faith in Christ as they represented it was merely a form of Judaism. Three years after the crucifixion, Paul, a man whom Jesus had not taught, and whom the twelve apostles had not accepted as a convert, began, without their approval, to preach the doctrine, given to him by special revelation, that faith in Christ was emancipated from the bondage of Mosaic ceremony, and was offered on equal terms to Jew and Gentile as a new and universal religion.

According to Acts, the twelve apostles for years after the crucifixion continued "daily with one accord in the temple." This means that they worshiped by sacrifice, that they accepted Jerusalem as the only place of worship, and that they observed the Sabbath and the three great annual festivals of the Jews. The demolition of the temple, the destruction of Jerusalem, and the dispersion of the followers of the twelve apostles in 70 A. D., liberated the Pauline churches from the authority of the Judaizing Christians.

Neither in the evangelists nor in the epistles of the New Testament do we find any explicit mention of the Christian Sunday as a substitute for the Jewish Sabbath or of the Christian Easter for the Jewish Passover; of the establishment of baptism, marriage, and ordination as sacraments; of the Christian revelation; of the apostolical succession; of the institution of the parish in which all the believing inhabitants should be subjected to occasional

drill and to constant supervision by the priest; of the diocese in which the parish priests should be subjected to drill and supervision by the bishop; of the province in which the bishops should be under the supervision of a council and a metropolitan bishop; of the incarnation; of the Trinity; of the combination of the divine and human natures and wills in Jesus; of transubstantiation; of the immaculate nature of the mother of Jesus; or of the primacy, supremacy, and infallibility of the bishop of Rome. All of these ideas were to be introduced afterwards, and many of them in times and places of which we have no definite information.

In its main features Christianity is an Aryan religion. It is Semitic in the place of its origin, in the name derived from the man who was the occasion of its foundation, and in little more. Paul, its chief author, though a Jew in blood, was a Greek in education. Athenian philosophy made him familiar with a God who has no favorite nation, no sacred city, and no regard for sacrifices. These are the most important ideas at the basis of the new religion. Its early creed is Greek; its sacerdotal organization is Roman; its dominant spirit in modern times is Teutonic. From the start, Christianity showed that it was peculiarly adapted to the mental constitution or to the social and political condition of the Euraryan peoples. It gained few converts among most of the Asiatic Aryans, among the Persians, the Afghans, the Belooches and the Hindoos; it failed almost completely among the Semites, the Chinese, and the Tartars. But it had scarcely been presented to the Greeks, the Romans, the Celts, the Teutons, and the Slavs before it obtained a secure foothold among them, and within several centuries it had complete dominion over them because it was Aryan in its character.

The most important fact in the life of Jesus, the one that is brought forward most prominently by the evangelists and the epistles, and the one that is the most trustworthy indication of the purpose of his ministry, is that he claimed to be the Messiah. This title, as understood by priests and people, was a declaration of an intention to re-establish the Jewish monarchy. It would throw insuperable difficulties in the way of a man laboring to organize a new sect, or church; it might be of great service to a man plotting rebellion. The Jew who in the time of Jesus called himself the Messiah was either a rebel or a lunatic.

If there is one institution of supernatural origin it is Christianity; and if there is one miracle on record, it is the resurrection of Jesus offered to the world as a proof of his divine commission. But neither in history nor in science is one supernatural institution or event established by satisfactory proof; in neither of those great departments of thought has anything ever been traced directly and immediately to miraculous influence; in no known case has the operation of natural law been interrupted by a special interposition of divine providence; and in thousands of cases, claims of such interposition have been examined by scientific authorities and proved to be baseless. The conclusion is that there have been no miracles; that Christianity is a product of evolution; and that within the reach of human observation, the domain of natural law has never been disturbed by supernatural interference.

APPENDIX.

In this volume, as in previous ones, references are made to the Bible, by book, chapter and verse, of the authorized version. In some cases all the citations of a paragraph are brought together in one note. References to Livy are made by book and chapter.

NOTES.

SEC. 421. *Rome in Culture*.—The history of the Roman republic by Mommsen takes rank with the works of Grote and Thucydides, among the best of its class. It closes with the death of Julius Cæsar, after which date, for two centuries and a half, Merivale's *Romans under the Empire* is the best authority. For the general course of events in Europe after 100 A. D. Gibbon is excellent, though the decline of the empire, as he understood it, did not commence until 300 A. D. Long's history of the decline of the republic is accurate in details, but is not attractive to the general reader. As a very brief history Liddell has decided merits; and so has Merivale's *History of Rome*, which is to be distinguished from his history of the *Romans under the Empire*.

Ihne's history of the republic is a work of much merit. G. C. Lewis' *Credibility of Early Roman History* is the most complete treatise and the highest authority on the subject. All its main points may be considered established. Marquardt, Mommsen, Becker, and Friedlander are the leading authorities in regard to the details of the industry, commerce, and social and ecclesiastical relations of ancient Rome.

SEC. 423. *Legendary Period*.—¹This is Niebuhr's opinion as expressed by Liddell (74). Merivale (R. U. E. ii. 397) thus states it: "These stories, whatever be their actual truth, serve at least to paint the heroic idæal of the nation."

Niebuhr wrote the history of Rome down to 370 B. C., and then his valuable work was interrupted by death. Upon the period of which he treated, he threw a flood of light. The record of the

monarchy was, in his opinion, so incomplete and incorrect that it had no value; but the story of the republic from 510 till 370 B. C., though full of "impossibilities and contradictions," might be reconstructed so as to give us a "certain and credible history." He complained of "the dishonesty of the Roman annalists." He accused Livy of falsifying his materials (437, 442), and of treating without care or judgment many passages which he did not misrepresent. He denounced the stories of Coriolanus, of Cincinnatus, of Virginius, of Camillus, of Mælius, and of the moderation of the plebeians after the overthrow of the decemvirate, as incredible. His book bristles with passages in which he discredits Livy, Dionysius, and Plutarch. With all his scepticism about the records of the republic before 370 B. C. he does not doubt that the plebeians did secede peacefully on several occasions, nor that five of the second board of decemvirs were plebeians—statements that to me are far more improbable than the adventures of Coriolanus, Cincinnatus, and Camillus.

SEC. 426. *Clients*.—See essay on clients in Mommsen F. i. 355.

SEC. 427. *Senate*.—¹Mommsen H. R. i. 411.

SEC. 430. *Roman Army*.—¹Mommsen S. iii. 244. ²Napoleon ii. 73. Marquardt R. S. ii. 330.

SEC. 431. *The Legion*.—¹Marquardt R. S. ii. 482.

SEC. 433. *Sacred Mount*.—¹Livy ii. 25. The secession lasted so long that no crop was planted. *Ib.* 34. The army allowed itself to be defeated to spite the patricians. *Ib.* iii. 42.

SEC. 436. *Tribal Assembly*.—¹Livy ii. 56. Mommsen F. 154-162. Ihne E. R. 113-146. Lewis ii. 192.

SEC. 437. *XII Tables*.—¹Hunter 16. In chapter xiv of his history of Rome on "The First Decemvirs and the Laws of the XII Tables," Thomas Arnold conveys very erroneous impressions. He assumes (98) to give "a view of the Roman law as it was settled by the XII Tables, or as it existed in the oldest form in which it is possible to trace it." Instead, however, of stating the law in its earliest form, he presents it in the forms to which it was reduced by Gaius, Ulpian, and Papinian, his chief authorities. He omits all the most remarkable features of the XII Tables. It is strange that Milman, a very careful writer, overlooked this serious mistake. Blinded by the brilliancy of Arnold, in a comment on Gibbon's note 25, to his XLIVth chapter, he says Arnold's chapter "on the law of the XII Tables" is one "of the most valuable" portions of his work.

Tomkins (40) thinks that we have two-thirds of the text of the XII Tables. If this opinion be correct, the original XII Tables contained about as many words as there are in eighteen pages of the text of this book. Marezoll (31) considers the fragments, in their present shape, of doubtful authenticity. Cicero, in his extravagance, praised the XII Tables as "inculcating the soundest principles of government and morals," and as of greater value than all the books of Greek philosophy, Gibbon iii. 651.

SEC. 439. *Formulas*.—¹Hadley 88. ²*Ib.* 228.

SEC. 440. *Decemvirs*.—¹Arnold H. R. 649. Livy vi. 49.

SEC. 444. *Plebeian Priests*.—¹Mommsen H. R. ii. 385. ²Beesley 61.

SEC. 447. *Nobles United*.—Duruy (ii. 4. 260) calls Rome "a wise democracy." According to Bluntschli (viii. 695) the Roman Government, after 286 B. C., was democratic. Froude, in his life of Cæsar, says, "The Roman constitution was popular in form beyond all constitutions of which there is record in history. The citizens assembled in the comitia were the sovereign authority of the state." In one passage (F. i. 280) Mommsen tells us that in struggling for political equality, the Roman plebeians "made the grandest application of the world-vivifying principle of free association ever seen in history by organizing a powerful society of commoners, which, like a state in a state, governed itself and enacted laws, and after two centuries of conflict secured its full equality with the patrician-plebeian community by constitutional methods." In another passage (H. R. ii. 426), and as I think one nearer to the historical fact, he remarks that "never even in the most limited monarchy was a part so completely null assigned to the monarch as was allotted to the sovereign Roman people." Again he says (*Ib.* 427) that the multitude in Rome "had no will of its own."

SEC. 448. *Mythical Virtue*.—¹Lewis ii. 442, 457. Livy viii. 13, 14, 19-21. Liddell 509. Niebuhr iii. 217.

SEC. 454. *Macedon*.—¹Livy xlv. 18. Napoleon i. 181.

SEC. 455. *Carthage Destroyed*.—¹Ihne H. R. iii. 325.

SEC. 457. *T. Gracchus*.—¹Ihne H. R. iv. 393.

SEC. 460. *The Allies*.—¹Gaius 58.

SEC. 461. *Social War*.—¹Livy viii. 13, 14. Mommsen H. R. iii. 276.

SEC. 466. *Anarchy*.—¹Beesley 21. ²Mommsen H. R. iv. 598.

³Marquardt S. i. 539. ⁴Part of this paragraph is translated freely from Bluntschli viii. 698.

SEC. 467. *Success*.—¹Merivale R. U. E. iv. 297.

SEC. 469. *Perfidy*.—¹Livy xlv. 34. ²Mahaffy A. E. 304. Liddell 669. Arnold R. 349. Ihne H. R. iii. 321. Merivale R. U. E. i. 72. Finlay G. U. R. 67. Mommsen P. ii. 333. Mahaffy A. E. 293, 305.

SEC. 470. *Plunder*.—¹Merivale R. U. E. i. 53. ²Cicero translated in Arnold P. A. 71. ³Merivale R. U. E. i. 35. Mommsen H. R. iv. 616, 634. ⁴Mahaffy A. E. 292. ⁵Merivale R. U. E. i. 32.

SEC. 471. *Verres*.—¹Merivale H. R. 252. ²Cicero O. i. 146.

SEC. 472. *Roscius*.—¹Long ii. 362.

SEC. 474. *Pharsalia*.—¹Merivale H. R. 328.

SEC. 478. *Prætorian Law*.—¹Hadley 96.

SEC. 479. *Imperial Law*.—¹Sheldon Amos 83.

SEC. 480. *Roman Law Books*.—¹Sheldon Amos 33.

The number of quotations in the *Digest* is given in Tomkins 119.

SEC. 483. *Cities under Rome*.—¹Mommsen P. ii. 181.

SEC. 484. *Provinces*.—The best authorities in reference to the provinces are Mommsen's *Provinces of Rome*, and Arnold's *Roman System of Provincial Administration*.

SEC. 486. *Greek Analogies*.—¹Virgil 219. ²Long i. 40. Merivale R. U. E. iv. 15. Marquardt S. iii. 59. ³Mahaffy G. L. T. 526. ⁴*Ib.* 527. Cicero T. 26. Mommsen H. R. iii. 522. ⁵Ihering i. 351. Marquardt S. iii. 169.

SEC. 487. *Jupiter*.—¹Mommsen H. R. i. 223. ²Ihne iii. 122. ³Coulanges 203. ⁴*Ib.* 276.

SEC. 488. *Pontiffs*.—¹Plutarch Numa. Napoleon i. 27.

SEC. 489. *Augurs*.—¹Mommsen S. i. 3. ²Goettling 214.

SEC. 491. *New Faiths*.—Marquardt S. iii. 72.

SEC. 492. *Roman Funerals*.—¹Mommsen H. R. ii. 470.

SEC. 493. *Roman Inventions*.—¹Niebuhr (H. R. ii. 448) expresses the opinion that double-entry bookkeeping and bills of exchange were used in ancient Rome. For the use of gold amalgam in gilding, and sluices in gold washing, see Pliny vi. 98, 102. Vitruvius describes the method of recovering gold from dust by amalgamation, and this practice suggests that they may have used quicksilver in mining. It should have been mentioned in section 165, where the statement is made that amalgamation in the reduction of silver ores was unknown to Europeans before 1557. Canalon (188) thinks there was no mold-board on the Roman plow, and says (380) that tablecloths made their appearance in Rome about 200 A. D. ²Marquardt P. L. 527, 528. ³Lindsay i. 105.

SEC. 495. *Size of Rome*.—For size of Rome see Merivale R. U. E. iv. 395.

SEC. 497. *Roman Slaves*.—¹Marquardt P. L. 192. ²Arnold P. A. 162. Wallon iii. 105. ³*Ib.* iii. 62. ⁴Gaius 59. ⁵Wallon iii. 296.

SEC. 498. *Roman Virtue*.—¹Lecky i. 216. ²Merivale.

SEC. 499. *Roman Education*.—¹Long ii. 146. ²Max Muller S. L. ii. 114.

SEC. 500. *Dress, etc.*—¹Mommsen S. i. 279.

SEC. 501. *Latin Literature*.—¹Virgil 226. ²Mahaffy G. W. 393.

SEC. 502. *The Triumph*.—¹Napoleon i. 335. ²Hooke iii. 487.

SEC. 503. *Gladiators*.—¹Merivale R. U. E. iv. 418. Lecky i. 297.

SEC. 505. *The Christian Bible*.—¹Palfrey i. 103. ²Parker 211. ³Contemporary Review xvi. 12. ⁴Coleridge v. 610. ⁵Rogers 443. ⁶Max Muller C. i. 55. W. Robertson Smith O. T. 6. Guizot H. C. E. pref.

SEC. 507. *Luke*.—¹Acts ix. 27; xxvi. 20. Gal. i. 22. Acts xvi. 2. Gal. iii. 3; iii. 28; v. 1; ii. 1; xvi. 6; xxi. 21, 24. ²Acts xiii. 10; viii. 21; iii. 14; xiv. 8; v. 15; xix. 12; v. 19; xii. 3; xvi. 28. ³Acts xv. 7. Gal. ii. 9. ⁴Acts xxi. 17-31. ⁵"Matthew and Luke, though clearly impressed by some form of Mark, yet probably borrowed not from Mark but from some original tradition upon which Mark also is based."—*Enc. Brit.* x. 792.

SEC. 509. *Mark*.—¹Mark x. 21; xvi. 16. ²Matt. xii. i-xiii. 52; v. 1-8, 17; xxi. 8-xxvi. 2. Mark xi. 20-xiii. 37. Luke xx. 1-xxiv. 53; Martineau 185.

SEC. 510. *John*.—¹Mark iv. 34. ²John x. 30; xiv. 11; ix. 9; viii. 58, 12; xi. 25; v. 22; ix. 39; xvii. 16.

SEC. 511. *The Gospels*.—¹John vii. 15.

SEC. 512. *A Jew*.—¹Matt. iv. 23. Mark i. 39. Luke iv. 44. John xviii. 20. ²Matt. x. 17, 18, 23; viii. 4; xv. 24, 26; xix. 28; xxiii. 2, 3; xviii. 17. ³Matt. v. 33; xii. 8; xxviii. 19. Luke xvi. 16.

SEC. 513. *Apostles*.—¹Lev. viii. 1-36. ²Mark iii. 14. John xv. 16. ³Matt. x. 1, 8. Mark iii. 13, 14. Luke ix. 12. John vi. 70; xv. 16. ⁴Acts i. 26. ⁵Acts ix. 10, 17, 20. ⁶Neander P. 27. Acts v. 42.

SEC. 514. *Peter*.—¹Acts x. 11-45. ²*Ib.* xxi. 20. Gal. ii. 9.

SEC. 515. *Paul's Gospel*.—¹Rom. ii. 13. Eph. iii. 36. Gal. i. 11, 12, 15-22. ²*Ib.* ii. 1-9. ³2 Cor. xi. 5, 7. Gal. i. 8. 1 Cor. xi. 1. Rom. ii. 16.

SEC. 516. *Apostolic Charge*.—¹Luke ix. 1-5. ²Matt. x. 5-42.

SEC. 517. *Judgment Day*.—¹Matt. xxiv. 30. ²*Ib.* xxv. 31-41;

xiii. 41, 42. ³Luke xxi. 6-33. ⁴1 Cor. x. 11. 1 Thess. iv. 16, 17. Rev. xxii. 10, 12.

SEC. 518. *Faith*.—¹Mark xvi. 16; vi. 47. John xx. 29. ²Matt. xi. 21-24. ³Matt. viii. 28-32. Mark vii. 29. ⁴*Ib.* xvi. 17, 18. ⁵Matt. xvii. 20; xxi. 21, 22.

SEC. 519. *Pharisees*.—¹Matt. xxiii. 13-33. ²*Ib.* v. 20. Luke xiv. 1. ³Luke xi. 37-46. ⁴*Ib.* xiii. 15, 16.

SEC. 520. *Bodily Resurrection*.—¹Luke xxiv. 37-51. ²John xx. 27; xi. 39. ³1 Cor. xv. 13. ⁴Mark xii. 18-25. ⁵Acts ii. 31. John v. 29. ⁶1 Cor. xv. 35-50.

The best authority on the resurrection is Alger. He says (492) "the uniform orthodox doctrine of the Christian church has always been that on the last day the identical fleshly bodies shall be raised from the earth, sea, and air, and given to them again to be everlastingly assumed." He quotes (500) from the catechism of the Council of Trent, an authoritative exposition of the creed of the Roman Catholic Church the phrase that the "identical body" shall be resurrected, and that "as it was a partner in the man's deeds, so it may be a partner in his punishments." He also gives the names of the early fathers who declared explicitly their belief in the resurrection of the material body. St. Jerome inquires: "If the dead be not raised with flesh and blood, how can the damned, after the judgment, gnash their teeth in hell?"

SEC. 521. *A Material Hell*.—¹Matt. iv. 7, 30. ²*Ib.* xxv. 41. Mark ix. 46. ³Massillon ii. 180. ⁴Edwards iv. 292.

SEC. 522. *Mundane Depravity*.—¹John xvi. 14, 11, 12, 31; xiv. 30; vii. 7; xv. 18. Luke xiv. 26. John xii. 25. Matt. xvi. 24; v. 3-5. Luke vi. 22, 23, 25. ²Massillon iii. 6. ³*Ib.* 2. ⁴This paragraph is a paraphrase from Massillon iii. 274. ⁵Matt. xiii. 39; xix. 17. Rom. ix. 22; viii. 7; iii. 10. Calvin i. 210; ii. 8. ⁶Holmes 254. ⁷Lecky i. 97. ⁸*Ib.* 210.

SEC. 523. *Mendicancy*.—¹Luke vi. 29, 24; xiv. 33, 21, 25. Matt. v. 39-41, 42. ²*Ib.* vi. 19-34. ³Mark x. 17-21. Luke xvi. 19-25. ⁴Massillon ii. 176.

SEC. 524. *Celibacy*.—¹Luke xx. 35; xix. 12. Matt. ix. 43, 44. ²Rev. xiv. 1-4. ³1 Cor. vii. 8, 33, 34.

SEC. 525. *Moral Theory*.—¹Matt. v. 39, 37; xii. 36. ²Rom. xiii. 1. Col. iii. 23. 1 Cor. xi. 2-9. ³Ec. xii. 13. Mark x. 21.

Lecky (i. 1-160) asserts that of the two main schools of ethical philosophers one, including the stoics and Christians generally, finds the source of morals in intuition; and the other, including

the Epicureans and Utilitarians, finds it in reason. But his statement is based on fundamental misconceptions and abounds with minor mistakes. The Epicureans and utilitarians have never denied the existence of an innate moral faculty; and the stoics distinctly declared that educated reason, not intuition independent of instruction, is the proper guide in morals. It was because Zeno, Epictetus, Seneca, and Marcus Aurelius believed that intuition was insufficient that they became teachers of morals. An impressive passage of Cicero explaining an idea common to Epicurus and Zeno declares that "the true law is right [educated] reason conformable to the nature of things, constant, eternal, diffused through all." See Middleton 309.

Lecky makes another mistake when he says that Christianity was the first religion to teach morals. The duties of justice and kindness were inculcated more impressively in the *Egyptian Book of the Dead* than in the New Testament. They are more prominent in the teachings of Siddhartha and Confucius than in those of Jesus. They are mentioned in the sacred books of the Brahmins, Persians, and Jews. They were not overlooked in the mysteries of Eleusis. But in some important points of ethical influence Christianity surpassed all these older religions. Its stronger ecclesiastical organization, its higher didactic activity, its closer relation to the people, its greater social influence, its dominion over more intelligent and powerful people, and the higher education and capacity of its clergy, gave it an aggregate of moral power such as no other ecclesiastical organization had ever approached. But the larger part of the morality now taught by Christian teachers is not derived from the New Testament or in harmony with the ascetic doctrines there taught. The dominant tone of the Christian ethics of our day is hostile to slavery, despotic power, religious persecution, celibacy, self-renunciation, and all the slavish maxims of asceticism.

SEC. 526. *No New Religion.*—¹Milman i. 232. Jesus never held a meeting for the worship of God. He never prayed publicly. In most of his discourses, as an act of instruction, not of devotion, he recited the Lord's prayer, which can be used by Jew, Gentile, and Mohammedan as well as by Christian. He never composed a hymn. He never led his disciples in singing. He never sang one of the old psalms. He prescribed no form and fixed no time for worship. If he intended to establish a new church, either he forgot to do so, or his evangelist forgot to record nearly every act indicative of his purpose.

SEC. 527. *The Messiah*.—¹1 Sam. ii. 10, 38; xxiv. 6; x. 9. 2 Sam. xix. 21; xxii. 51; xxiii. 1. 2 Chron. vi. 42. Ps. xviii. 50; lxxxix. 38; cxxxii. 17. ²2 Sam. vii. 16. 1 Kings viii. 25. Isa. xl. 10. Eze. xxxiv. 22, 23. Jer. xxiii. 5; xxxiii. 14, 17.

The theory that Jesus was not a religious teacher, and that if he delivered any religious discourses he used them merely as a pretext to conceal his political purpose, is original with me, and is now published for the first time. Therefore I can appeal to no authorities for its support. James Martineau, finding that Jesus, as a religious teacher, does not comply with the requirements of the messianic prophecies, endeavors to avoid the difficulty by expressing the opinion, in his *Seat of Authority*, that Jesus did not claim to be the heir of David.

SEC. 528. *Judaism Eternal*.—¹1 Kings ix. 3. Jer. xxxi. 1; xxxii. 37. ²Eze. xvi. 60; xxxvi. 24; xxxvii. 22-28; xliii. 7. Amos ix. 14, 15. ³Zech. viii. 28. Isa. li. 3. ⁴Jer. xlvi. 27, 28. ⁵Zech. viii. 22; xiv. 16. Isa. xxxiii. 20; ix. 10-15. See also Micah iv. 7, 8. Zech. xiv. 16, 17. ⁶Deut. xii. 1; iv. 2; xxvii. 26; iv. 5. Isa. lxi. 2; Micah v. 15.

SEC. 529. *Jesus Christ*.—¹Matt. xvi. 16, 17. John iv. 26. Mark xiv. 61. Luke i. 33. Matt. xix. 28; Acts. i. 30. Luke xxiv. 27. John v. 39. ²Matt. xvi. 15-20. ³John x. 24, 25. ⁴John vii. 26-43. ⁵Luke xxiii. 2.

SEC. 530. *Jewish Council*.—¹John xi. 47-55.

SEC. 531. *The Trial*.—¹Luke xxiv. 21. Acts i. 5.

SEC. 532. *A Rebel*.—¹If we had proof that the sayings of Jesus are correctly reported in the gospels, we should find it impossible to bring them into harmony with the theory that his main purpose was political. But we have no such proof; and in the mental constitution of humanity, we have strong evidence that he could not have made the speeches attributed to him in the synoptists, and also those in the gospel of John. We must reject one set or the other. And if we accept the authority of Paul, as all Christian churches do, then we should regard both as highly untrustworthy. It is impossible that the gospels of Matthew and John should both have been written as sincere accounts of his teachings, by men who had been his companions during the whole period of his public ministry. And if he had been a religious teacher who clearly impressed a strong body of doctrine upon twelve apostles, it is impossible that they should have maintained silence, while an outsider, like Paul, pushed them aside and declared that they did not understand the religion of their master.

The destruction of Jerusalem, the death of many of its inhabitants in war with Rome, the dispersion of the survivors, the complete disappearance of the Essenes and of their literature, and the total obscurity in which the Christian church is hidden for a generation after the death of Paul,—all these are facts that must be taken into account, when we try to understand how the gospels had their origin. The theory of the origin of Christianity is now in a position similar to that of the origin of Judaism, when the true dates of the composition of Deuteronomy and Leviticus were first published about thirty years ago. Before that publication there was no key to the serious and irreconcilable differences between those two books, and between each of them and the historical and prophetic books of the Jews. The discrepancies between the story of the synoptists and that of John, and between each of them and Paul, are quite as serious as those in the Old Testament; and the only explanation is to be found in the theory that Jesus was not a religious teacher, and that the moral and religious teachings attributed to him in the gospels were collected from Essene and other sources, by writers who had never seen Jesus, who were not hampered by accurate information, and who ascribed to him a variety of anonymous sayings that they supposed to be appropriate to a man in his position.

Intelligent students should come to the conclusion that Jesus intended to establish a new religion; or that he planned a rebellion; or that the evidence is so conflicting that his purpose is undiscoverable. It would be illogical to say "the proof of the political theory is unsatisfactory, and therefore Jesus must have conceived and founded Christianity."

SEC. 533. *Life of Jesus*.—¹John vii. 15. Luke iv. 16-29.

SEC. 534. *Peter's Address*.—¹Acts i. 2-4. ²Acts ii. 22-36.

SEC. 535. *The Apostles*.—¹Acts ii. 44, 45. ²*Ib.* 46, 47.

SEC. 536.—*Post-Apostolic Period*.—¹Waite 56. ²*Ib.* 255-266, 147-164, 70-89.

SEC. 537. *Primacy*.—¹Matt. xvi. 18, 19. ²*Ib.* xviii. 18. Mark x. 35-45. Matt. xxiii. 8. Phil. i. 17. 2 Cor. xi. 10. ³John xxi. 15, 17. Acts xi. 1-18; xv. 22.

Besides the evidences suggested in the text, the New Testament contains many others, that when its books were written, no superior authority was ascribed to Peter.

I. All the key words and phrases of papal doctrine are lacking. We seek in vain for "Papacy," "pope," "supremacy," "primacy,"

"holy father," "his holiness," "prince of the apostles," "supreme apostle," "head of the church," "vicar of Christ," "supreme judge of the faithful," or any term equivalent to any of them.

II. In the epistles attributed to Peter there is no claim of authority. When Pope Leo XIII. assumed the triple crown, he addressed an encyclical letter to all Roman Catholics under his official seal, and in this document he spoke of "our pontificate," "the apostolic See," "the church and its visible head," and "the infallible authority of this apostolic chair," and he declared that "there is nothing more clearly our duty than to maintain whole and unimpaired the dignity of the Roman See." This language was proper in Leo XIII., and something of the same kind would have been proper in Peter if he had held a similar office.

III. It is the duty of the head of the church to address at least one letter to all the faithful, but the epistles attributed to Peter are addressed to the "strangers [Christians] scattered throughout Pontus, Galatia, Cappadocia, Asia, and Bithynia" (1 Peter i. 1; iii. 1), all of which provinces were in Asia Minor. Thus he never addressed anything to the Christians in Syria, Judea, Egypt, and Europe.

IV. Peter never exercised any of the functions exclusively belonging to the head of a church. He was not the recognized source of baptism and ordination; he did not establish a central office for the supervision and co-ordination of the more important affairs of the ecclesiastical organization; he never prescribed the sacerdotal duties or territorial jurisdiction of his ecclesiastical subordinates; he never appointed a bishop, nor created a diocese, nor bestowed a pallium, nor exacted an oath of obedience; he never distributed work among the apostles or missionaries, nor demanded or received a report from them of their labors; he never decided a question of faith or morals in his own name; he never summoned a council, presided in one, or dissolved it; he did not require the gospels and epistles to be submitted to him for approval before being read in the churches, and he did not make up the canon of the New Testament, although some of its books were written while he was alive, and according to the Catholic doctrine no book is canonical without papal approval. If the Catholic theory were correct, Peter should have appointed and ordained the successor of Judas and have exacted an oath of fidelity and obedience from him, and should also have reminded the disciples that it was his duty as supreme head of the church, to take charge of its discipline. The council selected two persons as suitable for the vacancy,

and the choice between them was decided by lot, the result being in favor of Matthias. He did not contribute much to the New Testament. In short, he did not exercise any prominent function now attached to the Papacy, or which such an institution as the Papacy, if established in his time, would then have exercised.

V. He gave no instructions about the method in which his successor should be chosen, nor did he even mention the succession, as he must have done if he had possessed a supremacy transmissible to others and necessary to the discipline, the unity and the welfare of the church. The permanence of the supremacy is even more important than its original creation to the Roman church, but the words of Jesus have not the least suggestion of such a power to be inherited by a line of pontiffs running through many centuries.

VI. The council held in Jerusalem about A. D. 51, in its decree, given literally in the New Testament, says its members were "the apostles and elders and brethren," and by them jointly a decision on an important point of faith was rendered. This language implies unmistakably that no supremacy was then recognized. Peter was a participant, but was not considered worthy of separate mention.

VII. "When the apostles which were in Jerusalem heard that Samaria had received the word of God, they sent unto them Peter and John." (Acts viii. 14.) This language implies that the supremacy was exercised by the twelve as a body which treated the two missionaries as subordinates. No Catholic council of our time would "send" a pope on a mission.

VIII. After Peter had paid a visit to Joppa and had there associated and eaten with Gentiles in violation of the Mosaic law, "the apostles and brethren" held a meeting to hear him explain his conduct, and "they that were of the circumcision contended with him." (Acts xi. 1-18.) He justified himself not by saying that he was the infallible head of the church and could not be called to account for disregarding its discipline or for teaching heretical opinions—that should have been his defense if the Catholic theory were true—but, instead of that, he asserted that he had had a dream which instructed him that the Mosaic law was to be set aside.

IX. Peter did not summon the council which was called to consider the Pauline neglect of the Mosaic law; he did not preside in it; not he, but James, formulated the judgment of the council; and the decision, instead of being issued by Peter, as head of the

church, was issued by "the apostles and elders and brethren," in short, "the whole church." (Acts xv. 22, 23.) The chief authority was therefore not in Peter, nor in the apostles, but in the whole body of believers.

X. Jesus did not recognize Peter as his favorite apostle. John was distinguished as the apostle whom Jesus loved; he was the only one mentioned as having been present at the crucifixion (John xix. 26), and to him Jesus intrusted the care of his mother (*Ib.* 27). When Peter wished to know which of the twelve would betray Christ, he did not venture to ask directly, but induced John to inquire for him. (*Ib.* xiii. 24-26.)

XI. By implication Paul repeatedly denied the existence of any personal supremacy. He said, "In nothing am I behind the very chiefest apostles." (2 Cor. xii. 11.) This phrase indicates that there was no one chief apostle. In another passage he says: "God hath set some in the church, first apostles, secondarily prophets." (*Ib.* 28.) If he had recognized a supremacy, he must have said: "first the supreme head of the church, second the other apostles, third prophets." Instead of recognizing any superior power in the church, the entire course of Paul as a Christian missionary was independent of control, in faith and discipline. Twice Paul, in mentioning apostles, did not give the first place to Peter (Gal. ii. 9; 1 Cor. ix. 5) when using his name.

The Papacy rests on five assertions, each of which is indispensable as a support of its claims, and each of which is false. These are that Jesus established a supremacy in his church; that he conferred this supremacy on Peter; that Peter was a bishop; that Jesus provided that the supremacy should be transmitted to the successors of Peter in the episcopal office; and that Peter became bishop of Rome. If these assertions were true, it would be a most remarkable fact that the New Testament, instead of sustaining all, should furnish a great preponderance of evidence against each of them.

In giving the history of the apostolic church since 60 A. D., Acts indirectly asserts that Peter never went to Rome, nor to Europe, nor even to Asia Minor. Of Paul, a much less important personage in the Roman Catholic history, we are told that he went to Ephesus, Athens, Corinth, Thessalonica, Philippi, Malta, Syracuse, Reggio, Puteoli, and Rome. If Peter had been bishop of Rome from 42 to 67 A. D., Paul would not have written his epistle to the Romans, which not only does not mention Peter, but says, "I speak to you

Gentiles, inasmuch as I am the apostle of the Gentiles." (Rom. xi. 13.) This implies that Peter never had been in Rome and that he had no right to be there. But even if Paul had not claimed to be the apostle of the Gentiles, and if he had mentioned Peter in respectful terms, still it would be a gross violation of ecclesiastical etiquette and of hierarchical subordination, for a subordinate to send a pastoral letter to the diocese of the head of the church. Paul was not the man to meddle with the churches established by others. As field for his missionary labors, he purposely selected those cities which no other apostle had previously visited. He declared that he would not "build upon another man's foundation." (*Ib.* xv. 20.) His letters to and from Rome imply that he was the first apostle to labor there. In his letters sending messages by name to and from more than thirty Christians in Rome, Paul never mentioned Peter among them. (*Ib.* xvi. 1-15; Phil. iv. 22; Col. iv. 7-14; 2 Tim. iv. 11-20; Philemon i. 23, 24.) If the Roman Catholic tradition of the long continued and widespread labors of St. Peter in Asia Minor and Europe, where Christianity achieved its most important conquests, were true, Paul would not have claimed that he had made more converts than all the other apostles, as he did when he wrote, "I labored more abundantly than they all." 1 Cor. xv. 10.

The tradition that Peter was in Rome comes to us through Eusebius (104), who accepts the authority of Dionysius, and the latter, writing about 170 A. D., destroys his own credibility by asserting, in defiance of the New Testament, that Peter co-operated with Paul in planting the church of Corinth as well as that of Rome.

SEC. 540. *Causes of Success.*—¹Acts ii. 22. John ix. 3. ²*Ib.* vii. 5. Mark vi. 4.

The most comprehensive statement of the facts in relation to the use of the four gospels before 175 A. D., is given in *Supernatural Religion*, which has had a great influence on public opinion. The ablest reply to it is that of W. Sanday, who admits the correctness of his opponent on all the points of greatest importance. Waite gives a good account of the history of Christianity for a century and a half after the death of Jesus.

In regard to the relations between Paul and the other apostles, the chief authority is C. F. Baur.

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